

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. The elements of the King County Shoreline Master Program in sections ~~42, 43, 44, 65, 66, 67~~ and ~~45~~68 of this ordinance, in King County Comprehensive Plan chapter six of Attachment A to this ordinance, and in Attachments E and H to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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

E. The land use and zoning amendments ~~contained~~ in sections ~~51, 52, 78, 79, 80, 81~~ and ~~portions of 56~~86 of this ordinance and ~~Attachments~~Attachment D ~~and G~~ to this ordinance are hereby adopted as amendments to Appendix A ~~of~~to Ordinance 12824, as amended, and as the official land use and zoning controls for those portions of unincorporated King County defined in those sections of this ordinance and attachments to this ordinance.

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

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

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

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

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

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

2. Preparing forecasts of and monitor revenues;

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

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

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

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

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

8. Performance management and accountability;

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

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

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

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

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

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

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

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

i. developing and transmitting to the council a biennial report on April 30 in odd-numbered years about the benefits achieved from technology projects. The report shall include information about the benefits obtained from completed projects and a comparison with benefits that were projected during different stages of the project. The report shall also include a description of the expected benefits from those projects not yet completed. The report shall be approved by the council by motion. The report and

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

9. Strategic planning and interagency coordination:

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

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

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

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

10. Business relations and economic development:

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

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

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

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

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

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

11. Continuous improvement:

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

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

12. Regional planning:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. liquor licenses under chapter 66.20 RCW; and

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

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

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

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;

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

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

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

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

f. pursuing innovative funding strategies.

B.1. The department shall also manage the development and implementation of community service area subarea plans for the six rural community service area and five urban unincorporated potential annexation area geographies in coordination with the regional planning function in K.C.C. 2.16.025 and in accordance with the King County Comprehensive Plan and state Growth Management Act.

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

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

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

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

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

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

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

359 g. review the land use designations and zoning classifications in the subarea
360 geography, including all special district overlays and property-specific development
361 conditions, and transmit map amendments necessary to implement land use and zoning
362 updates and the vision and policies within the subarea plan; and

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

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

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

C.1. The department shall also manage the development and implementation of the list of services, programs, facilities and capital improvements that are identified by the community, known as a community needs list, for each of the subarea geographies in subsection B. of this section. The community needs list shall be the responsibility of the executive to implement. The department of local services, in coordination with the community, shall be responsible for monitoring the implementation of the community needs list.

2. Each community needs list shall:

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

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

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

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

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

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

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

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

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

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

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

(1) the executive, in consultation with the community and the councilmember office or offices that represent the subarea geography, shall propose a prioritization of low, medium or high priority;

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

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

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

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

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

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

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

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

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

438 (1) for those subarea geographies that have a subarea plan adopted during or
439 before June 2022, the initial catalog portion of the community needs list shall be
440 transmitted to the council as part of the 2021-2022 biennial budget; and

441 (2) for those subarea geographies that do not have a subarea plan adopted
442 during or before June 2022, the community needs list shall be transmitted to the council
443 as part of the 2023-2024 biennial budget; and

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

447 6. The community needs lists shall be used to develop proposals for the
448 executive's proposed biennial budget, including services, programs, infrastructure and
449 facilities that implement the list. As part of the executive's biennial budget transmittal,
450 the executive shall include a description of how the proposed biennial budget implements
451 the list, and for the 2021-2022 budget, how the executive's biennial budget implements
452 the initial catalog described in subsection C.5.b.(1) of this section.

453 D.1. The department shall also manage the community service area framework
454 adopted by Ordinance 17139, which shall be called the community service area program.
455 The community service area program shall develop and implement programs and services

to help all residents of unincorporated King County be more knowledgeable of, better served by and heard by King County departments and agencies. The community service area program shall work with all county departments and agencies whose services, programs and projects are of interest to unincorporated area residents, to promote successful public engagement.

~~((The))~~ 2. A work program shall be developed for each ~~((community service area))~~ subarea geography described in subsection B. of this section and shall ~~((include input from the councilmember or councilmembers who represent that area. The work program shall include, but not be limited to,))~~:

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

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

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

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

e. identify public meetings for the area;

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

g. establish an ongoing communications and community engagement plan using tools and resources developed by the office of equity and social justice, including, but not limited to, community engagement, language access and equity impact review tools. The county shall use, at minimum, the "County engages in dialogue" and "County and community work together" levels of engagement as outlined in the office of equity

and social justice's Community Engagement Guide for the development, review,
amendment, adoption and implementation of the community needs list; and
h. establish performance metrics to monitor the implementation of the work
program.

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

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

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

2. Service partnerships agreements shall:

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

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

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

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

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

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

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

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

d. performance metrics to monitor progress of implementing the outcomes and service level goals for each program, service or facility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

_____ 2. The permitting division manager shall be the:

a. county planning director;

b. zoning adjuster;

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

d. county building official; and

e. county fire marshal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~A. "Sea level rise protection elevation" means three feet above the base flood elevation of the of the adjacent flood zone.~~ The county executive may assign professional engineering duties of the county road engineer to someone other than the county road engineer, except as otherwise assigned by the King County Code, and only if the individual assigned those duties shall be qualified as required under RCW 36.80.020. The executive shall provide to the county council and the Washington state County Road Administration Board, in writing, those specific professional engineering duties not assigned to the county road engineer, the name and position of each person responsible for carrying out those assigned duties, the specific reporting and working relationships with the county road engineer and the duration for which those duties have been assigned.

SECTION 5.

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

~~NEW SECTION. SECTION 5.~~ There is hereby added to the chapter established

~~in section 3 of this ordinance a new section to read as follows:~~

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

~~A. All buildings and substantial improvements to existing buildings shall be elevated on pilings and columns in a manner consistent with applicable floodplain development standards in this title, K.C.C. Title 21A, the Federal Emergency Management Agency Coastal Construction Manual and other relevant requirements, and in a manner that provides the following at a minimum:~~

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

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

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

~~C. The applicant shall provide a Federal Emergency Management Agency~~

elevation certificate completed by a land surveyor licensed by the state of Washington documenting the elevation of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved buildings and whether or not the buildings contain a basement. ~~The department shall maintain the Federal Emergency Management Agency elevation certificates required by this section for public inspection and for certification under the National Flood Insurance Program;~~

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

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

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

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

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

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

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

- ~~2. The danger of life and property due to coastal flooding or erosion damage;~~
- ~~3. The susceptibility of the proposed building or facility and its contents to flood damage and the effect of the damage on the individual owner;~~
- ~~4. The importance of the services provided by the proposed building or facility to the community;~~
- ~~5. The necessity to the building or facility of a waterfront location;~~
- ~~6. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;~~
- ~~7. The potential of the proposed development to create an adverse effect on a federally or state protected species or habitat;~~
- ~~8. The compatibility of the proposed use with existing and anticipated development;~~
- ~~9. The relationship of the proposed use to the Comprehensive Plan, shoreline master program and flood hazard management plan;~~
- ~~10. The safety of access to the property in times of flooding for ordinary and emergency vehicles;~~
- ~~11. The expected heights, velocity, duration, rate of rise, sediment transport of the floodwaters and effects of wave action expected at the site; and~~
- ~~12. The costs of providing governmental services during and after flood conditions, including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.~~
- ~~C. The director may only approve a variance upon a determination that:~~

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

~~2. The granting of a variance will not result in additional threats to public safety, 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, Ordinance 18810 ~~((and))~~, Ordinance ~~18810~~19034 and this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

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

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

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

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

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

~~—— D. Unclassified use permits and zone reclassifications, that are pending or~~

proposed on or after November 21, 1994, shall conform to the ~~((c))~~Comprehensive
~~((p))~~Plan and applicable adopted community plans as follows:

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

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

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

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

F. Vested permit applications for proposed buildings and grading and

~~applications for variances, when categorically exempt from the procedural requirements of the state Environmental Policy Act, may rely on existing zoning and specific facility improvement standards adopted by ordinance; and~~

~~—— G. Nothing in this section shall limit the county's authority to approve, deny or condition proposals in accordance with the 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.

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

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

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

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

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

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

805 Appendix N: Amendments to Resource Lands Community Plan P-Suffix
806 Conditions.

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

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

809 B. Area zoning adopted by Ordinance 11653, including potential zoning, is
810 contained in Appendices A and O. Amendments to area-wide P-suffix conditions
811 adopted as part of community plan area zoning are contained in Appendices B through N.
812 Existing P-suffix conditions whether adopted through reclassifications or community
813 plan area zoning are retained by Ordinance 11653 except as amended in Appendices B
814 through N.

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

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

819 County defined therein.

820 E. Amendments to the 1994 King County Comprehensive Plan area zoning,
821 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
822 12170 are hereby adopted to comply with the Decision and Order of the Central Puget
823 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
824 County, Case No. 95-3-0008.

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

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

832 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
833 12533 as Appendix B is adopted as the official zoning control for those portions of
834 unincorporated King County defined therein. Existing p-suffix conditions whether
835 adopted through reclassifications or area zoning are retained by Ordinance 12533.

836 I. The King County Zoning Atlas is amended to include the area shown in
837 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
838 whether adopted through reclassifications or area zoning are retained by Ordinance
839 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King
840 County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance
841 12535.

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

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

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

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

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

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

865 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171,
866 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854,
867 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832,
868 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653,
869 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375,
870 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865,
871 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194,
872 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271((;)) and 11651,
873 are hereby repealed and p-suffix conditions are replaced by the property specific
874 development standards as set forth in Appendix A to Ordinance 12824;

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

879 4. All ordinances adopting area zoning pursuant to Resolution 25789 or
880 converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of
881 this section. All p-suffix conditions contained therein are repealed or replaced by
882 adopting the property specific development standards as set forth in Appendix A to
883 Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance
884 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

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

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

888 Appendix B, as amended, is hereby repealed.

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

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

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

895 f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
896 7837 as Appendix B, as amended, is hereby repealed.

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

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

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

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

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

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

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

n. The West Hill Community Plan Area Zoning adopted in Ordinance
((4446)) 11166, as amended, is hereby repealed; and

5. All ordinances adopting area zoning pursuant to Title 21A and not converted
by Ordinance 11653, including community or ((e))Comprehensive ((p))Plan area zoning
and all subsequent amendments thereto, are amended as set forth in subsection M.5.a.

through f. of this section All property specific development standards (p-suffix
conditions) are retained, repealed, amended or replaced by the property specific
development standards as set forth in Appendix A to Ordinance 12824, the special district
overlays as designated in Appendix B to Ordinance 12824 or the special requirements as
designated in Appendix A to Ordinance 12822.

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

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

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

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

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

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

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

~~((A.))~~ The ~~((West Hill Community Plan, a bound and published document, as
revised in the Attachments to Ordinance 11166))~~ 2020, as supplemented by the Skyway--
West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Land Use Plan,
dated ~~September 2019~~ July 2020, is adopted as an ~~((amplification and augmentation))~~
element of the King County Comprehensive Plan ~~((for King County))~~ and, as such,
constitutes official county policy for the geographic area of unincorporated King County
defined ~~((therein))~~ in the plan and strategy. In the case of conflict between the West Hill
Community Plan and the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-
West Hill Subarea Plan, the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-
West Hill Subarea Plan, controls.

SECTION ~~118~~. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030
are hereby amended to read as follows:

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

1. Emergencies;
2. An appeal of the plan filed with the Central Puget Sound Growth Management
Hearings Board or with the court;
3. The initial adoption of a subarea plan, which may amend the urban growth area

boundary only to redesignate land within a joint planning area;

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

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

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

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

2. The annual capital improvement plan;

3. The transportation needs report;

4. School capital facility plans;

5. Changes required by existing Comprehensive Plan policies;

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

7. Comprehensive updates of subarea plans initiated by motion;

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

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

chapter;

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

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

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

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

14. Adoption of community service area subarea plans;

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

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

C. Every eighth year beginning in ~~((2023))~~ 2024, the county shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may provide for a cumulative

analysis of the twenty-year plan based upon official population growth forecasts, benchmarks and other relevant data in order to consider substantive changes to ~~((policy language))~~ the Comprehensive Plan and changes to the urban growth area boundary. The comprehensive review shall begin one year in advance of the transmittal and may be referred to as the eight-year update. The urban growth area boundaries shall be reviewed in the context of the eight-year update and in accordance with countywide planning policy G-1 and RCW 36.70A.130.

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

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

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

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

Comprehensive Plan update the by the last business day of September 2019. The council shall have until the last business day of ~~((June))~~ July 2020 to adopt the 2020 Comprehensive Plan update.

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

~~SECTION 12. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are hereby amended to read as follows:~~

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

~~B. ((The following categories of s))Site-specific land use map ((amendments)) or shoreline master program map amendments that do not require substantive change to Comprehensive Plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors, may be initiated by either the county or a property owner for consideration in the annual update((:~~
~~1. Amendments that do not require substantive change to Comprehensive Plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors; and~~

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

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

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

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

~~3. Amendments to the urban growth area boundary.~~

~~SECTION 13.~~ Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are hereby amended to read as follows:

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

1095 1. If initiated by council motion, the motion shall refer the proposed site-specific
1096 land use map or shoreline master program map amendment to the department of local
1097 services, permitting division, review for preparation of a recommendation to the hearing
1098 examiner. The motion shall also identify the resources and the work program required to
1099 provide the same level of review accorded to applicant-initiated amendments. An analysis
1100 of the motion's fiscal impact shall be provided to the council before adoption. If the
1101 executive determines that additional funds are necessary to complete the work program, the
1102 executive may transmit an ordinance requesting the appropriation of supplemental funds.

1103 2. If initiated by executive proposal, the proposal shall refer the proposed site-
1104 specific land use map or shoreline master program map amendment to the department of
1105 local services, permitting division, for preparation of a recommendation to the hearing
1106 examiner.

1107 3. If initiated by property owner application, the property owner shall submit a
1108 docket request for a site-specific land use map ~~((amendment))~~ or shoreline master program
1109 map amendment to the department of local services, permitting division, for preparation of
1110 a recommendation to the hearing examiner.

1111 B. A shoreline redesignation initiated by an applicant must include the following
1112 information in addition to the requirements in this section:

1113 1. Applicant information, including signature, telephone number and address;
1114 2. The applicant's interest in the property, such as owner, buyer or consultant; and
1115 3. Property owner concurrence, including signature, telephone number and
1116 address.

1117 C. All proposed site-specific land use map or shoreline master program map

1118 amendments, whether initiated by property owner application, by council motion or by
1119 executive proposal shall include the following:

- 1120 1. Name and address of the owner or owners of record;
- 1121 2. Description of the proposed amendment;
- 1122 3. Property description, including parcel number, property street address and
1123 nearest cross street;
- 1124 4. County assessor's map outlining the subject property; and
- 1125 5. Related or previous permit activity.

1126 D. Upon initiation of a site-specific land use map or shoreline master program map
1127 amendment, an initial review conference shall be scheduled by the department of local
1128 services, permitting division. The owner or owners of record of the property shall be
1129 notified of and invited to attend the initial review conference. At the initial review
1130 conference, the department of local services, permitting division, shall review the proposed
1131 amendment's consistency with applicable county policies or regulatory enactments
1132 including specific reference to Comprehensive Plan policies, countywide planning policies
1133 and state Growth Management Act requirements. The proposed amendment will be
1134 classified in accordance with K.C.C. 20.18.040 and the classification shall be provided at
1135 the initial review conference or in writing to the owner or owners of record within thirty
1136 days after the initial review conference.

1137 E. If a proposed site-specific land use map or shoreline master program map
1138 amendment is initiated by property owner application, the property owner shall, following
1139 the initial review conference, submit the completed application including an application fee
1140 and an environmental checklist to the department of local services, permitting division, to

proceed with review of the proposed amendment.

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

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

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

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

1164 this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land
1165 use map or shoreline master program map amendment is a legislative decision that should
1166 be determined before and separate from its consideration of a zone reclassification, which
1167 is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an
1168 application for a site-specific land use map or shoreline master program map amendment
1169 and the amendment is adopted, the property shall be given potential zoning. A zone
1170 reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the
1171 potential zoning.

1172 J. Site-specific land use map or shoreline master program map amendments for
1173 which a completed recommendation by the hearing examiner has been submitted to the
1174 council by January 15 will be considered concurrently with the annual ~~((amendment))~~
1175 update to the Comprehensive Plan. Site-specific land use map or shoreline master program
1176 map amendments for which a recommendation has not been issued by the hearing
1177 examiner by January 15 shall be included in the next ~~((appropriate review cycle))~~ update
1178 following issuance of the examiner's recommendation.

1179 K.1. An amendment to a land use designation or shoreline environment designation
1180 for a property may not be initiated unless at least three years have elapsed since council
1181 adoption or review of the current designation for the property. This time limit may be
1182 waived by the executive or the council if the proponent establishes that there exists either
1183 an obvious technical error or a change in circumstances justifying the need for the
1184 amendment.

1185 2. A waiver by the executive shall be considered after the proponent has
1186 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall

render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

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

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

SECTION 410. Ordinance 114047, Section 4, and K.C.C. 20.18.055 are hereby amended to read as follows:

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

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

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

3. Compatibility with the surrounding development pattern.

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

1210 annual March transmittal. All such amendments will be considered concurrently by the
1211 council committee charged with the review of the ((e))Comprehensive ((p))Plan.
1212 Following this review, site-specific land use map amendments which are recommended by
1213 this committee will be incorporated as an attachment to the adopting ordinance transmitted
1214 by the executive for consideration by the full council. Final action by the council on these
1215 amendments will occur concurrently with the annual ((amendment)) update to the
1216 ((e))Comprehensive ((p))Plan.

1217 SECTION 1511. Ordinance 13147, Section 22, as amended, and K.C.C.
1218 20.18.060 are hereby amended to read as follows:

1219 A. Beginning in ((2021)) 2022, and every eighth year thereafter the executive shall
1220 transmit to the council by the last business day of June a proposed motion specifying the
1221 scope of work for the proposed ((amendments)) update to the Comprehensive Plan that will
1222 occur in the following year, which motion shall include the following:

1223 1. Topical areas relating to amendments to policies, the land use map,
1224 implementing development regulations, or any combination of those amendments that the
1225 executive intends to consider for recommendation to the council; and

1226 2. An attachment to the motion advising the council of the work program the
1227 executive intends to follow to accomplish ~~state~~((s))State Environmental Policy Act review
1228 and public participation.

1229 B. The council shall have until September 15 to approve the motion. In the
1230 absence of council approval, the executive shall proceed to implement the work program as
1231 proposed. If the motion is approved, the work program shall proceed as established by the
1232 approved motion.

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

SECTION 4612. Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070 are hereby amended to read as follows:

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

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

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

SECTION 1713. Ordinance ~~1401712196~~, Section 9, as amended, and K.C.C. 20.18.17020.020 are hereby amended to read as follows:

A. ~~The total area added to the urban growth area as a result of ((this)) the~~ Land use permit decisions are classified into four ~~to one program shall not exceed four thousand acres. The department shall keep a cumulative total for all parcels added under this section. The total shall be updated ((annually)) through the Comprehensive ((p)) Plan amendment process.~~

~~———— B. Proposals from a property owner shall be initiated through the docket process under K.C.C. 20.18.140. Proposals shall be processed as land use amendments to the Comprehensive Plan and may be considered in the annual update, midpoint update or eight year update. As part of the docket review of a proposal, ((S)) site suitability and development conditions for both the urban and rural portions of the proposal shall be established through ((the preliminary formal plat approval process)) a preapplication conference under K.C.C. 20.20.030.~~

~~———— C. A term conservation easement satisfactory to King County shall be ((placed)) recorded on the open space ((at the time)) portion of the property within twenty one days of~~

~~enactment of the ordinance that approves the four_to_one proposal ((is approved by the council)). Upon final plat approval for proposals not adjacent to an incorporated area, or upon annexation of the urban portion of the property to a city for proposals adjacent to an incorporated area, the open space shall be permanently dedicated in fee simple to King County.~~

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

~~———— E. For proposals adjacent to an incorporated area, the legislation approving the Four to One proposal shall include property specific development conditions requiring:~~

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

~~types, based on who makes the decision, whether public notice———— 2. Adoption of an interlocal agreement between King County and the adjacent jurisdiction within ninety days of enactment of the ordinance that approves the proposal. At a minimum, the interlocal agreement shall establish conditions for site development that are consistent with the four-to-one program requirements and goals, such as limiting development to residential uses and requiring minimum densities consistent with R-4 zoning, and shall require the development be consistent with the property specific development conditions adopted in the ordinance that approved the proposal.~~

~~———— SECTION 18. Ordinance 14017, Section 10, as amended, and K.C.C. 20.18.180 are hereby amended to read as follows:~~

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

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

~~_____ , whether a public hearing is _____ 2. The land shall not be zoned ((agriculture)) agricultural, forest or mineral;~~

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

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

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

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

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

~~_____ before a decision is made and whether administrative appeals are _____ 6. All urban facilities shall be provided directly from the urban area and shall not cross the open space or rural area and be located in the urban area except as permitted. The types of land use decisions are listed in subsection E. of this section;~~

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

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

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

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

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

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

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

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

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

~~for every one acre added to the urban growth area((:));~~

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

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

~~———— 2. Provision of regional open space connections;~~

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

~~———— 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.~~

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

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

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

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

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

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

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

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

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

~~1. Trails; provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.~~

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

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

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

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

E. Land use decision types are classified as follow:

<u>TYPE 1</u>	<u>(Decision by director, no administrative appeal)</u>	<u>Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-</u>
---------------	---	---

		<u>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>
<u>TYPE</u> <u>2^{1.2}</u>	<u>(Decision by director appealable to hearing examiner, no further administrative appeal)</u>	<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. 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</u>

		<u>risk area variance adopted in K.C.C. chapter 21A.xx</u> <u>(the new chapter established by section 61 of this</u> <u>ordinance).</u>
<u>TYPE</u> <u>3¹</u>	<u>(Recommendation by</u> <u>director, hearing and</u> <u>decision by hearing</u> <u>examiner, appealable</u> <u>to county council on</u> <u>the record)</u>	<u>Preliminary plat; plat alterations; preliminary plat</u> <u>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>

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

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

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

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

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

SECTION 1914. Ordinance 13147, Section 34, as amended, and K.C.C. 20.22.170 are hereby amended to read as follows:

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

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

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

B. The office of the hearing examiner shall compile the written recommendations on all site-specific land use map amendments made in a year into a single report. The report shall be filed by January 15 in the form of a paper original and an electronic copy

with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the ~~((transportation, economy and environment))~~ council committee ~~((or its successor))~~ charged with the review of the Comprehensive Plan.

SECTION 15. Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070 are hereby amended to read as follows:

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

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

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

<u>RESOLUTION</u>	<u>1993 ZONING</u>	
<u>25789 ZONING</u>	<u>CODE</u>	<u>ADDITIONAL CRITERIA</u>
<u>MAP</u>	<u>MAP</u>	

<u>SYMBOLS</u>	<u>SYMBOLS</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>AR-5</u> <u>AR-10</u>	<u>RA-2.5</u> <u>RA-5</u> <u>RA-10 or RA-20</u>	<u>In Rural Areas</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 Towns</u>
<u>RMHP</u>	<u>R-4 through R-48</u>	<u>Use zone closest to zoning on adjacent property or midrange if adjacent zones 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,</u> <u>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>

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

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

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

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

F. Area-wide P-suffix development conditions. The department shall review all area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution 25789, and recommend legislation removing all such conditions which conflict with the ((e))Comprehensive ((p))Plan or have been replaced adequately by standards adopted in

the 1993 zoning code. If P-suffix conditions implement policies in the
((e))Comprehensive ((p))Plan, then regulations shall be developed by the end of 1995 and
the P-suffix conditions shall be removed. Any P-suffix conditions which implement
policies in community plans which are not in conflict with the ((e))Comprehensive
((p))Plan but are not adequately addressed by this code shall be carried forward intact
until they are evaluated for replacement by general code revisions in 1995.

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

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

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

otherwise shall be to Urban Reserve with the urban planned development overlay district as provided in K.C.C. chapter 21A.38.

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

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

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

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

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

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

1518 4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or
1519 multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone
1520 and potential ((zone designations)) zoning classifications of the 1993 zoning code.

1521 5. The Novelty Hill Master Plan sites and urban designation adopted and
1522 delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be
1523 considered "UPD Special District Overlays" and "UPD boundary delineations" for
1524 purposes of applying K.C.C. 21A.38.020, 21A.38.070B.1. and ((070B.))2. and K.C.C.
1525 21A.39.020.

1526 SECTION 16. Ordinance 10870, Section 21, and K.C.C. 21A.02.110 are hereby
1527 amended to read as follows:

1528 A. Except when such areas are specifically ((designated)) classified on the zoning
1529 map as being classified in one of the zones provided in this title, land contained in rights-
1530 of-way for streets or alleys, or railroads shall be considered unclassified.

1531 B. Within street or alley rights-of-way, uses shall be limited to street purposes as
1532 defined by law.

1533 C. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or
1534 other operating devices, movement of rolling stock, utility lines and equipment, and
1535 ((facilities accessory to and used directly for the delivery and distribution of services to
1536 abutting property)) freight-rail dependent uses.

1537 D. Where such right-of-way is vacated, the vacated area shall have the ((zone))
1538 zoning classification of the adjoining property with which it is first merged.

1539 SECTION 17. Ordinance 10870, Section 22, as amended, and K.C.C.
1540 21A.04.010 are hereby amended to read as follows:

1541 In order to accomplish the purposes of this title the following zoning
 1542 ((designations)) classifications and zoning map symbols are established:

<u>ZONING ((DESIGNATIONS))</u> <u>CLASSIFICATIONS</u>	<u>MAP SYMBOL</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>	<u>-----</u>

	<div style="border: 1px solid black; width: 150px; height: 30px; margin: 5px auto;"></div> <div style="border: 1px solid black; width: 150px; height: 30px; margin: 5px auto;"></div> <div style="border-top: 1px dashed black; width: 150px; height: 30px; margin: 5px auto;"></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>

SECTION 18. Ordinance 10870, Section 23, and K.C.C. 21A.04.020 are hereby

amended to read as follows:

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

SECTION 19. Ordinance 10870, Section 28, as amended, and K.C.C. 21A.04.070 are hereby amended to read as follows:

A. The purposes of the urban reserve zone (UR) are to phase growth and demand for urban services, and to reserve large tracts of land for possible future growth in portions of King County designated by the Comprehensive Plan for future urban growth while allowing reasonable interim uses of property; or to reflect designation by the Comprehensive Plan of a property or area as part of the urban growth area when a

detailed plan for urban uses and densities has not been completed(~~(; or when the area has~~
been designated as a site for a potential urban planned development or new fully
contained community, as provided in K.C.C. 21A.38.070)). These purposes are
accomplished by:

1. Allowing for rural, agricultural and other low-density uses;
2. Allowing for limited residential growth, either contiguous to existing urban
public facilities, or at a density supportable by existing rural public service levels; and
3. Requiring clustered residential developments where feasible, to prevent
establishment of uses and lot patterns which may foreclose future alternatives and impede
efficient later development at urban densities.

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

SECTION 20. Ordinance 10870, Section 35, and K.C.C. 21A.04.140 are hereby
amended to read as follows:

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

SECTION 21. Ordinance 10870, Section 36, as amended, and K.C.C.

21A.04.150 are hereby amended to read as follows:

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

SECTION 22. Ordinance 10870, Section 37, as amended, and K.C.C.

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

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

zoning map maintained by the department and as a notation in a geographic information system data layer, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting an overlay.

SECTION 23. Ordinance 10870, Section 38, as amended, and K.C.C.

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

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

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

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

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

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

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

SECTION 24. Ordinance 10870, Section 39, and K.C.C. 21A.04.180 are hereby

amended to read as follows:

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

SECTION 25. Ordinance 10870, Section 42, and K.C.C. 21A.06.010 are hereby amended as follows:

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

SECTION 26. Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015 are hereby amended as follows:

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

A. Administrative offices;

B. Employee exercise facilities;

C. Employee food service facilities;

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

E. Business owner or caretaker residence;

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

G. Ground maintenance facilities; and

H. Consumer-scale renewable energy systems.

SECTION 27. Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020 are hereby amended as follows:

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

A. Accessory living quarters and dwellings;

B. Fallout or bomb shelters;

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

D. On-site rental office;

E. Pools, private docks or piers;

F. Antennae for private telecommunication services;

G. Storage of yard maintenance equipment;

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

~~I. — SECTION 21. Greenhouses;~~

J. Recreation space areas required under K.C.C. 21A.14.180 and play areas required under K.C.C. 21A.14.190; ~~((and))~~

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

L. Consumer-scale renewable energy systems.

SECTION 28. Ordinance 10870, Section 45, as amended and K.C.C. 21A.06.025
are hereby amended as follows:

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

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

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

C. Consumer-scale renewable energy systems.

NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter 21A.06
a new section to read as follows:

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

SECTION 30. K.C.C. 21A.06.150, as amended by this ordinance, is hereby
recodified as a new section in K.C.C. chapter 21A.06.

SECTION 2231. Ordinance 11157, Section 29, and K.C.C. 21A.06.150 are
hereby amended to read as follows:

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

SECTION 2332. Ordinance 13319, Section 3, and K.C.C. 21A.06.197 are hereby
amended to read as follows:

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

NEW SECTION. SECTION 2433. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

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

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

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

NEW SECTION. SECTION 2534. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Fossil fuel facility: a commercial facility used primarily to receive, store, refine, process, transfer, wholesale trade or transport ~~of~~ fossil fuels, such as, but not limited to,

bulk terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel facilities do not include: individual storage facilities of up to thirty thousand gallons and total cumulative facilities per site of sixty thousand gallons for the purposes of retail or direct-to-consumer sales, facilities or activities for local consumption; ~~non-~~ **commercial/noncommercial** facilities, such as storage for educational, scientific or governmental use; or uses preempted by federal rule or law.

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

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

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

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

~~—— SECTION 28 35. Ordinance 10870, Section 201, and K.C.C. 21A.06.805 are hereby amended to read as follows:~~

~~—— Nonhydro- Non-hydro((-))electric generation facility: an establishment for the generation of electricity by nuclear reaction, burning fossil fuels((-)) or other electricity generation methods, except for fossil fuels generated as a by-product in the waste management process, such as wastewater treatment, anaerobic digesters, landfill~~

~~waste management, livestock manure and composting processes~~excluding renewable energy.

NEW SECTION. SECTION ~~29~~36. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

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

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

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

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

SECTION ~~30~~39. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are hereby amended to read as follows:

1764 Utility facility: a facility for the distribution or transmission of services, including:
1765 A. Telephone exchanges;
1766 B. Water pipelines, pumping or treatment stations;
1767 C. Electrical substations;
1768 D. Water storage reservoirs or tanks;
1769 E. Municipal groundwater well-fields;
1770 F. Regional surface water flow control and water quality facilities;
1771 G. Natural gas pipelines, gate stations and limiting stations, limited to local
1772 distribution service; and excluding fossil fuel facilities;
1773 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving
1774 multiple lots or uses from which fuel is distributed directly to individual users, limited to
1775 local distribution service; and excluding fossil fuel facilities;
1776 I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor
1777 control facilities; and
1778 J. Communication cables, electrical wires and associated structural supports.
1779 SECTION 3140. Ordinance 10870, Section 315, and K.C.C. 21A.06.1375 are
1780 hereby amended to read as follows:
1781 Warehousing and wholesale trade: establishments involved in the storage and/or
1782 sale of bulk goods for resale or assembly, excluding establishments offering the sale of
1783 bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070
1784 and excluding local distribution gas storage tanks as defined by this chapter. These
1785 establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry
1786 Group Nos. 422 and 423, excluding fossil fuels and fossil fuel facilities.

1787 SECTION 3241. Ordinance 10870, Section 330, as amended, and K.C.C.

1788 21A.08.030 are hereby amended to read as follows:

1789 A. Residential land uses.

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

B. Development conditions.

1. Except bed and breakfast guesthouses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~_____ (b) a lot in a rural town that is less than~~ the lot must be three thousand
~~sixtwo~~ hundred square feet ~~in or greater if located in the urban area; or a rural town; or~~
~~(e) b) ((except as otherwise provided in subsection B.7.a.(5) of this section,~~
a rural lot ~~outside of a rural town~~ that is less than the minimum lot size; or
~~_____ ((c.)) (d) a lot containing more than one primary dwelling;~~
~~_____ c. a lot containing more than one primary dwelling))~~ the lot must meet the
minimum lot area for the applicable zone if located in the rural area but not in a rural
town, except that if one transferable development right is purchased from the Rural Area
or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling
unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;
(3) ~~((The primary dwelling unit or the accessory dwelling unit shall be owner~~
~~occupied;~~
(4)(a) ~~Except as otherwise provided in subsection B.7.a.(5) of this section,~~
~~one of the))~~ ~~The accessory dwelling units~~ ~~unit((s))~~ shall not exceed one thousand square
feet of heated floor area ~~except when and one thousand square feet of the dwelling units is~~
~~wholly contained within a basement or attic; ((and)) unheated floor area except:~~
~~(a) when ((one of)) the accessory dwelling unit((s)) is wholly contained~~
~~within a basement or attic, this limitation does not apply; ((and))~~
~~(b) ((When the primary and accessory dwelling units are located in the same~~
~~building, or in multiple buildings connected by a breezeway or other structure, only one~~
~~entrance may be located on each street; and~~
~~_____ (c) Accessory (5) On)) for detached accessory dwelling units shall not~~
~~exceed, the base height as established floor area contained in 21A.12.030; a basement does~~

not count toward the floor area maximum; or

~~(5) On (c) on~~ a site zoned RA~~:(c):~~

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

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

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

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

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

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

(7) The primary dwelling unit or the accessory dwelling unit shall be occupied either by the owner of the primary dwelling unit or by an immediate family member of the owner. Immediate family members are limited to spouses, siblings, parents, grandparents, children and grandchildren, either by blood, adoption or marriage,

of the owner. The accessory dwelling unit shall be converted to another permitted use or shall be removed if ~~((one of the))~~ neither dwelling ~~units~~unit~~((s ceases to be owner))~~ is occupied ~~by the owner or an immediate family member; ((and))~~

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

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

b. Accessory living quarters:

(1) are limited to one per lot;

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

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

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

(5) are not allowed in the F zone.

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

- (1) no aircraft sales, service, repair, charter or rental; and
- (2) no storage of aviation fuel except that contained in the tank or tanks of the aircraft.

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

- ~~(1) shall not include an area within the building intended for the preparation and storage of food;~~
- ~~(2) are limited to one per lot;~~
- ~~(3) the minimum lot size for detached accessory living quarters in the urban area and in rural towns is three thousand six hundred square feet;~~
- ~~(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

1924 adopted by King County for R-1 occupancies may accommodate up to ten persons per
1925 night.

1926 10. Only if part of a mixed use development, and subject to the conditions of
1927 subsection B.9. of this section.

1928 11. Townhouses are permitted, but shall be subject to a conditional use permit if
1929 exceeding base density.

1930 12. Required before approving more than one dwelling on individual lots,
1931 except on lots in subdivisions, short subdivisions or binding site plans approved for
1932 multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.
1933 of this section.

1934 13. No new mobile home parks are allowed in a rural zone.

1935 14.a. Limited to domestic violence shelter facilities.

1936 b. Limited to domestic violence shelter facilities with no more than eighteen
1937 residents or staff.

1938 15. Only in the R4-R8 zones ~~((limited to))~~ subject to the following standards:

1939 a. ~~((developments no larger than one acre;~~

1940 b. ~~not adjacent to another cottage housing development such that the total~~

1941 ~~combined land area of the cottage housing developments exceeds one acre;~~

1942 ~~e.))~~ All units must be Developments shall contain only cottage housing

1943 units with no ~~((less))~~ fewer than three units ~~((and no more than sixteen units))~~, ~~((~~

1944 ~~provided that))~~ but only if). If the site contains an existing home that is not being

1945 demolished, the existing house is not required to comply with the height limitation in

1946 K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B;

and.;

b. Cottage housing developments should consider including a variety of housing sizes, such as units with a range of bedroom sizes or total floor area; and

((&)) ~~bc.~~ Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.

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

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

b. The lot has a Comprehensive Plan land use designation of Rural Neighborhood Commercial Center or Rural Area; and

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

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

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

SECTION 3342. Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060 are hereby amended to read as follows:

A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16

*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	C6	P	P	P	P
*	Utility Facility	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	BUSINESS SERVICES:												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P40 P
*	Self-service Storage							P14	P37	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage (38)												P
*	Log Storage (38)		P		P26								P

					and 33								
47	Transportation Service												P39
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16
7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20a	P20b	P21	P20 a	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development 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 3	C23	C23	C23	C24	C23	C24

1964

B. Development conditions.

1965 1. Except self-service storage.

1966 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and

1967 Educational Research, see general business service/office.

1968 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility

1969 subject to K.C.C. chapter 21A.32; or

1970 b. only when accessory to a fire facility and the office is no greater than one

1971 thousand five hundred square feet of floor area.

1972 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter

1973 21A.32.

1974 5. New utility office locations only if there is no commercial/industrial zoning

1975 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that

1976 no feasible alternative location is possible, and provided further that this condition

1977 applies to the UR zone only if the property is located within a designated unincorporated

1978 Rural Town.

1979 6.a. All buildings and structures shall maintain a minimum distance of twenty

1980 feet from property lines adjoining rural area and residential zones;

1981 b. Any buildings from which fire-fighting equipment emerges onto a street

1982 shall maintain a distance of thirty-five feet from such street;

1983 c. No outdoor storage; and

1984 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no

1985 feasible alternative location is possible.

1986 7. Limited to storefront police offices. Such offices shall not have:

1987 a. holding cells;

|

1988 b. suspect interview rooms (except in the NB zone); or

1989 c. long-term storage of stolen properties.

1990 8. Private stormwater management facilities serving development proposals

1991 located on commercial/industrial zoned lands shall also be located on

1992 commercial/industrial lands, unless participating in an approved shared facility drainage

1993 plan. Such facilities serving development within an area designated urban in the King

1994 County Comprehensive Plan shall only be located in the urban area.

1995 9. No outdoor storage of materials.

1996 10. Limited to office uses.

1997 11. Limited to self-service household moving truck or trailer rental accessory to

1998 a gasoline service station.

1999 12. Limited to self-service household moving truck or trailer rental accessory to

2000 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

2001 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

2002 14. Accessory to an apartment development of at least twelve units provided:

2003 a. The gross floor area in self service storage shall not exceed the total gross

2004 floor area of the apartment dwellings on the site;

2005 b. All outdoor lights shall be deflected, shaded and focused away from all

2006 adjoining property;

2007 c. The use of the facility shall be limited to dead storage of household goods;

2008 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or

2009 similar equipment;

2010 e. No outdoor storage or storage of flammable liquids, highly combustible or

|

2011 explosive materials or hazardous chemicals;

2012 f. No residential occupancy of the storage units;

2013 g. No business activity other than the rental of storage units; and

2014 h. A resident director shall be required on the site and shall be responsible for

2015 maintaining the operation of the facility in conformance with the conditions of approval.

2016 i. Before filing an application with the department, the applicant shall hold a

2017 community meeting in accordance with K.C.C. 20.20.035.

2018 15. Repealed.

2019 16. Only as an accessory use to another permitted use.

2020 17. No outdoor storage.

2021 18. Only as an accessory use to a public agency or utility yard, or to a transfer

2022 station.

2023 19. Limited to new commuter parking lots designed for thirty or fewer parking

2024 spaces or commuter parking lots located on existing parking lots for churches, schools, or

2025 other permitted nonresidential uses that have excess capacity available during

2026 commuting; provided that the new or existing lot is adjacent to a designated arterial that

2027 has been improved to a standard acceptable to the department of local services;

2028 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,

2029 and

2030 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall

2031 be:

2032 (1) permitted only on parcels located within Vashon Town Center;

2033 (2) accessory to a gas or automotive service use; and

2034 (3) limited to no more than ten vehicles.

2035 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
 2036 vehicles.

2037 22. Storage limited to accessory storage of commodities sold at retail on the
 2038 premises or materials used in the fabrication of commodities sold on the premises.

2039 23. Limited to emergency medical evacuation sites in conjunction with police,
 2040 fire or health service facility. Helistops are prohibited from the UR zone only if the
 2041 property is located within a designated unincorporated Rural Town.

2042 24. Allowed as accessory to an allowed use.

2043 25. Limited to private road ambulance services with no outside storage of
 2044 vehicles.

2045 26. Limited to two acres or less.

2046 27a. Utility yards only on sites with utility district offices; or
 2047 b. Public agency yards are limited to material storage for road maintenance
 2048 facilities.

2049 28. Limited to ((~~bulk~~)) local distribution gas storage tanks that pipe to individual
 2050 residences but excluding liquefied natural gas storage tanks.

2051 29. Excluding ((~~bulk~~)) local distribution gas storage tanks.

2052 30. For I-zoned sites located outside the urban growth area designated by the
 2053 King County Comprehensive Plan, uses shall be subject to the provisions for rural
 2054 industrial uses in K.C.C. chapter 21A.12.

2055 31. Vactor waste treatment, storage and disposal shall be limited to liquid
 2056 materials. Materials shall be disposed of directly into a sewer system, or shall be stored

2057 in tanks (or other covered structures), as well as enclosed buildings.

2058 32. Provided:

2059 a. Off-street required parking for a land use located in the urban area must be
2060 located in the urban area;

2061 b. Off-street required parking for a land use located in the rural area must be
2062 located in the rural area; and

2063 c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street
2064 required parking must be located on a lot that would permit, either outright or through a
2065 land use permit approval process, the land use the off-street parking will serve.

2066 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
2067 be located on a site in the NB zone, off-street required parking may be located on a site
2068 within three hundred feet of the social service agency, regardless of zoning classification
2069 of the site on which the parking is located.

2070 33. Subject to review and approval of conditions to comply with trail corridor
2071 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

2072 34. Limited to landscape and horticultural services (SIC 078) that are accessory
2073 to a retail nursery, garden center and farm supply store. Construction equipment for the
2074 accessory use shall not be stored on the premises.

2075 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
2076 use.

2077 36. Repealed.

2078 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
2079 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such

2080 use shall not exceed ten thousand square feet.

2081 38. If the farm product warehousing, refrigeration and storage, or log storage, is

2082 associated with agriculture activities it will be reviewed in accordance with K.C.C.

2083 21A.08.090.

2084 39. Excluding fossil fuel facilities.

2085 ~~40. Excluding fossil fuels and fossil fuel facilities.~~

2086 SECTION 3443. Ordinance 10870, Section 335, as amended, and K.C.C.

2087 21A.08.080 are hereby amended to read as follows:

2088 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12 -48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	<u>Winery/Brewery</u> <u>/Distillery Facility I</u>				<u>P32</u>								
*/208 2 /2085 * -	Winery/Brewery /Distillery Facility II	P3 <u>C1</u> <u>2</u>			P3 C12 <u>C30</u>	<u>P3</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												C

	Products											
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											P

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

2089 B. Development conditions.

2090 1. Repealed.

2091 2. Except slaughterhouses.

2092 3.a. ~~Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~

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

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

Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small Animals;

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

Only allowed on lots of at least two and one-half acres, except that this requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres;

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

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

hundred square feet, unless located in ~~a building whole or in part in a structure~~ designated

as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area

of structures and areas devoted to winery, brewery, distillery facility uses shall not

exceed seven thousand square feet in the RA zone and five thousand square feet in the A

zone. Decks that are not occupied and not open to the public are excluded from the

calculation for maximum aggregated floor area;

~~d. e.~~ Structures and parking areas ~~used for processing winery, brewery,~~

distillery facility uses shall maintain a minimum distance of seventy-five feet from

interior property lines adjoining rural area and residential zones, unless located in a

building designated as historic resource under K.C.C. chapter 20.62, except that on

Vashon-Maury Island this setback requirement shall not apply to structures and parking

areas in use on December 4, 2019, by existing winery, brewery or distillery business locations licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019;

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

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

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

~~h. Tasting and retail sales of products produced on-site-site may occur only as accessory to the primary winery, brewery, distillery production use and~~ may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation

on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island to winery, brewery, or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites in the RA zone that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

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

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

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

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

whichever is less.

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

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

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

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

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

9. Only within enclosed buildings.

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

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

12.a. ~~Limited to wineries,~~In the A zone, only allowed on sites where the primary use is SIC Industry ~~Group~~ No. ~~2082-Malt-Beverages~~01-Growing and ~~SIC Industry~~Harvesting Crops or No. ~~2085-Distilled~~02-Raising Livestock and ~~Blended Liquors~~Small Animals;

~~b.(1) Except as provided in subsection B.12.b.(2) of this section, the.~~ The aggregated floor area of structures and areas for ~~wineries, breweries and distilleries and any accessory~~winery, brewery, distillery facility uses shall not exceed a total of eight

thousand square feet. ~~The floor area may be increased by up to an additional eight thousand square feet of underground storage~~Decks that is constructed completely below ~~natural grade, are not including required exits and access points, if occupied and not open to the public are excluded from the underground storage is calculation for maximum aggregated floor area;~~

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

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

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

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

e. Structures and parking areas ~~used for processing winery, brewery distillery facility uses~~ shall ~~be set back~~maintain a minimum distance of seventy-five feet from interior property lines ~~adjacent to adjoining~~ rural area and residential zones, unless ~~the~~

~~processing is~~ located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

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

~~In the A Zone, ——— g. ——— The facility shall be limited to processing agricultural products and sixty percent or more of the products processed must be grown in the Puget Sound counties.~~on-site. At the time of the initial application under K.C.C. chapter 6.74, the applicant shall submit a projection of the source of products to be processed;~~and~~

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

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

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

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

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

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

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

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

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

whichever is less.

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

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

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

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

a. as accessory to a primary mineral use; or

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

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

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

17.a. ~~Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC Industry No. 2085 Distilled and Blended Liquors~~
The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in whole or in part in a structure designated as historic

resource under K.C.C. chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

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

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

~~dc.~~ Tasting and retail sale of products produced on ~~site~~, and merchandise related to the products produced on-site, may be provided in accordance with state law.

The area devoted to on-site tasting or retail sales shall be included in the aggregated floor area limitation in subsection B.~~18.b~~17.a. of this section;

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

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

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

18. Limited to:

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

2300 Millwork, as follows:

2301 (1) If using lumber or timber grown off-site, the minimum site area is four
2302 and one-half acres;

2303 (2) The facility shall be limited to an annual production of no more than one
2304 hundred fifty thousand board feet;

2305 (3) Structures housing equipment used in the operation shall be located at
2306 least one-hundred feet from adjacent properties with residential or rural area zoning;

2307 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
2308 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

2309 (5) In the RA zone, the facility's driveway shall have adequate entering sight
2310 distance required by the 2007 King County Road Design and Construction Standards. An
2311 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
2312 the roadway that the driveway accesses; and

2313 (6) Outside lighting is limited to avoid off-site glare; and

2314 b. SIC Industry No. 2411-Logging.

2315 19. Limited to manufacture of custom made wood furniture or cabinets.

2316 20.a. Only allowed on lots of at least four and one-half acres;

2317 b. Only as an accessory use to a Washington state Liquor Control Board
2318 licensed marijuana production facility on the same lot;

2319 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2320 d. Only with documentation that the operator has applied for a Puget Sound

2321 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2322 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2323 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2324 are imported onto the site; and

2325 e. Accessory marijuana processing uses allowed under this section are subject
2326 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2327 21.a. Only in the CB and RB zones located outside the urban growth area;

2328 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2329 c. Only with documentation that the operator has applied for a Puget Sound
2330 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2331 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2332 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2333 are imported onto the site;

2334 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2335 support of, processing marijuana together with any separately authorized production of
2336 marijuana shall be limited to a maximum of two thousand square feet; and

2337 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2338 every marijuana-related entity occupying space in addition to the two-thousand-square-
2339 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2340 subsection B.22. of this section.

2341 22.a. Only in the CB and RB zones located outside the urban growth area;

2342 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
2343 support of, processing marijuana together with any separately authorized production of
2344 marijuana shall be limited to a maximum of thirty thousand square feet;

2345 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

|

2346 d. Only with documentation that the operator has applied for a Puget Sound
2347 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2348 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2349 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2350 are imported onto the site.

2351 23.a. Only in the CB and RB zones located inside the urban growth area;

2352 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2353 c. Only with documentation that the operator has applied for a Puget Sound
2354 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2355 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2356 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2357 are imported onto the site;

2358 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2359 support of, processing marijuana together with any separately authorized production of
2360 marijuana shall be limited to a maximum of two thousand square feet; and

2361 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2362 every marijuana-related entity occupying space in addition to the two-thousand-square-
2363 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2364 subsection B.24. of this section.

2365 24.a. Only in the CB and RB zones located inside the urban growth area;

2366 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2367 c. Only with documentation that the operator has applied for a Puget Sound
2368 Clean Air Agency Notice of Construction Permit. All department permits issued to either

|

2369 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2370 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2371 are imported onto the site; and

2372 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2373 support of, processing marijuana together with any separately authorized production of
2374 marijuana shall be limited to a maximum of thirty thousand square feet.

2375 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2376 b. Only with documentation that the operator has applied for a Puget Sound
2377 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2378 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2379 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2380 are imported onto the site; and

2381 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
2382 gross floor area devoted to, and in support of, the processing of marijuana together with
2383 any separately authorized production of marijuana.

2384 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2385 b. Only with documentation that the operator has applied for a Puget Sound
2386 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2387 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2388 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2389 are imported onto the site; and

2390 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
2391 gross floor area devoted to, and in support of, the processing of marijuana together with

any separately authorized production of marijuana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed three thousand five hundred square feet, unless located in whole or in part in a structure designated as historic resource under K.C.C.

chapter 20.62, in which case the aggregated floor area of structures and areas devoted to winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

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

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

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

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

g. The business operator shall obtain an adult beverage business license in

accordance with K.C.C. chapter 6.74;

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

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

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

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

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

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

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

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

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

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

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

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

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

e. At least two stages of production of wine, beer, cider or distilled spirits, such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the

Washington state Liquor and Cannabis Board production license, shall occur on-site. At least one of the stages of production occurring on-site shall include crushing, fermenting or distilling;

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

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

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

33. Excluding fossil fuel facilities.

SECTION 3544. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are hereby amended to read as follows:

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	P3	P4	P5	P3	P3							P4

	Uses	P23											
*	Farm Worker Housing	P14			P14								

- 2520 B. Development conditions.
- 2521 1. May be further subject to K.C.C. chapter 21A.25.
- 2522 2. Only forest research conducted within an enclosed building.
- 2523 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 2524 4. Excluding housing for agricultural workers.
- 2525 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 2526 with mineral extraction or processing operation.
- 2527 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 2528 7. Only in conjunction with a mineral extraction site plan approved in
- 2529 accordance with K.C.C. chapter 21A.22.
- 2530 8. Only on the same lot or same group of lots under common ownership or
- 2531 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 2532 long-term lease or an easement:
- 2533 a. as accessory to a primary mineral extraction use;
- 2534 b. as a continuation of a mineral processing only for that period to complete
- 2535 delivery of products or projects under contract at the end of a mineral extraction; or
- 2536 c. for a public works project under a temporary grading permit issued in
- 2537 accordance with K.C.C. 16.82.152.
- 2538 9. Limited to mineral extraction and processing:
- 2539 a. on a lot or group of lots under common ownership or documented legal
- 2540 control, which includes but is not limited to, fee simple ownership, a long-term lease or
- 2541 an easement;

|

2542 b. that are located greater than one-quarter mile from an established residence;
2543 and
2544 c. that do not use local access streets that abut lots developed for residential
2545 use.

2546 10. Agriculture training facilities are allowed only as an accessory to existing
2547 agricultural uses and are subject to the following conditions:

2548 a. The impervious surface associated with the agriculture training facilities
2549 shall comprise not more than ten percent of the allowable impervious surface permitted
2550 under K.C.C. 21A.12.040;

2551 b. New or the expansion of existing structures, or other site improvements,
2552 shall not be located on class 1, 2 or 3 soils;

2553 c. The director may require reuse of surplus structures to the maximum extent
2554 practical;

2555 d. The director may require the clustering of new structures with existing
2556 structures;

2557 e. New structures or other site improvements shall be set back a minimum
2558 distance of seventy-five feet from property lines adjoining rural area and residential
2559 zones;

2560 f. Bulk and design of structures shall be compatible with the architectural style
2561 of the surrounding agricultural community;

2562 g. New sewers shall not be extended to the site;

2563 h. Traffic generated shall not impede the safe and efficient movement of
2564 agricultural vehicles, nor shall it require capacity improvements to rural roads;

2565 i. Agriculture training facilities may be used to provide educational services to
2566 the surrounding rural/agricultural community or for community events. Property owners
2567 may be required to obtain a temporary use permit for community events in accordance
2568 with K.C.C. chapter 21A.32;

2569 j. Use of lodging and food service facilities shall be limited only to activities
2570 conducted in conjunction with training and education programs or community events
2571 held on site;

2572 k. Incidental uses, such as office and storage, shall be limited to those that
2573 directly support education and training activities or farm operations; and

2574 l. The King County agriculture commission shall be notified of and have an
2575 opportunity to comment upon all proposed agriculture training facilities during the permit
2576 process in accordance with K.C.C. chapter 21A.40.

2577 11. Continuation of mineral processing and asphalt/concrete mixtures and block
2578 uses after reclamation in accordance with an approved reclamation plan.

2579 12.a. Activities at the camp shall be limited to agriculture and agriculture-
2580 oriented activities. In addition, activities that place minimal stress on the site's
2581 agricultural resources or activities that are compatible with agriculture are permitted.

2582 (1) passive recreation;

2583 (2) training of individuals who will work at the camp;

2584 (3) special events for families of the campers; and

2585 (4) agriculture education for youth.

2586 b. Outside the camp center, as provided for in subsection B.12.e. of this
2587 section, camp activities shall not preclude the use of the site for agriculture and

agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

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

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

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

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

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

g. To the extent practicable, existing structures shall be reused. The applicant

2611 shall demonstrate to the director that a new structure for nonagricultural camp activities
2612 cannot be practicably accommodated within an existing structure on the site, though
2613 cabins for campers shall be permitted only if they do not already exist on site;

2614 h. Camp facilities may be used to provide agricultural educational services to
2615 the surrounding rural and agricultural community or for community events. If required
2616 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
2617 community events;

2618 i. Lodging and food service facilities shall only be used for activities related to
2619 the camp or for agricultural education programs or community events held on site;

2620 j. Incidental uses, such as office and storage, shall be limited to those that
2621 directly support camp activities, farm operations or agricultural education programs;

2622 k. New nonagricultural camp structures and site improvements shall maintain a
2623 minimum set-back of seventy-five feet from property lines adjoining rural area and
2624 residential zones;

2625 l. Except for legal nonconforming structures existing as of January 1, 2007,
2626 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
2627 a scale to serve overnight camp users;

2628 m. Landscaping equivalent to a type III landscaping screen, as provided for in
2629 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
2630 and site improvements located within two hundred feet of an adjacent rural area and
2631 residential zoned property not associated with the camp;

2632 n. New sewers shall not be extended to the site;

2633 o. The total number of persons staying overnight shall not exceed three

2634 hundred;

2635 p. The length of stay for any individual overnight camper, not including camp
2636 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

2637 q. Traffic generated by camp activities shall not impede the safe and efficient
2638 movement of agricultural vehicles nor shall it require capacity improvements to rural
2639 roads;

2640 r. If the site is adjacent to an arterial roadway, access to the site shall be
2641 directly onto the arterial unless the county road engineer determines that direct access is
2642 unsafe;

2643 s. If direct access to the site is via local access streets, transportation
2644 management measures shall be used to minimize adverse traffic impacts;

2645 t. Camp recreational activities shall not involve the use of motor vehicles
2646 unless the motor vehicles are part of an agricultural activity or are being used for the
2647 transportation of campers, camp personnel or the families of campers. Camp personnel
2648 may use motor vehicles for the operation and maintenance of the facility. Client-specific
2649 motorized personal mobility devices are allowed; and

2650 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
2651 light away from any adjacent property.

2652 13. Limited to digester receiving plant and animal and other organic waste from
2653 agricultural activities, and including electrical generation, as follows:

2654 a. the digester must be included as part of a Washington state Department of
2655 Agriculture approved dairy nutrient plan;

2656 b. the digester must process at least seventy percent livestock manure or other

|

2657 agricultural organic material from farms in the vicinity, by volume;

2658 c. imported organic waste-derived material, such as food processing waste,

2659 may be processed in the digester for the purpose of increasing methane gas production for

2660 beneficial use, but not shall exceed thirty percent of volume processed by the digester;

2661 and

2662 d. the use must be accessory to an operating dairy or livestock operation.

2663 14. Farm worker housing. Either:

2664 a. Temporary farm worker housing subject to the following conditions:

2665 (1) The housing must be licensed by the Washington state Department of

2666 Health under chapter 70.114A RCW and chapter 246-358 WAC;

2667 (2) Water supply and sewage disposal systems must be approved by the

2668 Seattle King County department of health;

2669 (3) To the maximum extent practical, the housing should be located on

2670 nonfarmable areas that are already disturbed and should not be located in the floodplain

2671 or in a critical area or critical area buffer; and

2672 (4) The property owner shall file with the department of executive services,

2673 records and licensing services division, a notice approved by the department identifying

2674 the housing as temporary farm worker housing and that the housing shall be occupied

2675 only by agricultural employees and their families while employed by the owner or

2676 operator or on a nearby farm. The notice shall run with the land; ~~for~~

2677 b. Housing for agricultural employees who are employed by the owner or

2678 operator of the farm year-round as follows:

2679 (1) Not more than:

|

2680 (a) one agricultural employee dwelling unit on a site less than twenty acres;

2681 (b) two agricultural employee dwelling units on a site of at least twenty

2682 acres and less than fifty acres;

2683 (c) three agricultural employee dwelling units on a site of at least fifty acres

2684 and less than one-hundred acres; and

2685 (d) four agricultural employee dwelling units on a site of at least one-

2686 hundred acres, and one additional agricultural employee dwelling unit for each additional

2687 one hundred acres thereafter;

2688 (2) If the primary use of the site changes to a nonagricultural use, all

2689 agricultural employee dwelling units shall be removed;

2690 (3) The applicant shall file with the department of executive services, records

2691 and licensing services division, a notice approved by the department that identifies the

2692 agricultural employee dwelling units as accessory and that the dwelling units shall only

2693 be occupied by agricultural employees who are employed by the owner or operator year-

2694 round. The notice shall run with the land. The applicant shall submit to the department

2695 proof that the notice was filed with the department of executive services, records and

2696 licensing services division, before the department approves any permit for the

2697 construction of agricultural employee dwelling units;

2698 (4) An agricultural employee dwelling unit shall not exceed a floor area of

2699 one thousand square feet and may be occupied by no more than eight unrelated

2700 agricultural employees;

2701 (5) To the maximum extent practical, the housing should be located on

2702 nonfarmable areas that are already disturbed;

2703 (6) One off-street parking space shall be provided for each agricultural
2704 employee dwelling unit; and

2705 (7) The agricultural employee dwelling units shall be constructed in
2706 compliance with K.C.C. Title 16.

2707 15. Marijuana production by marijuana producers licensed by the Washington
2708 state Liquor and Cannabis Board is subject to the following standards:

2709 a. Only allowed on lots of at least four and one-half acres;

2710 b. With a lighting plan, only if required by and that complies with K.C.C.
2711 21A.12.220.G.;

2712 c. Only with documentation that the operator has applied for a Puget Sound
2713 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2714 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2715 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2716 are imported onto the site;

2717 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
2718 within structures that are nondwelling unit structures that exist as of October 1, 2013,
2719 subject to the size limitations in subsection B.15.e. of this section;

2720 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2721 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2722 aggregated total of two thousand square feet and shall be located within a fenced area or
2723 marijuana greenhouse that is no more than ten percent larger than that combined area, or
2724 may occur in nondwelling unit structures that exist as of October 1, 2013;

2725 f. Outdoor production area fencing as required by the Washington state Liquor

and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet; and

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

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

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

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

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

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

|

2749 e. Only with documentation that the operator has applied for a Puget Sound
2750 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2751 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2752 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2753 are imported onto the site;

2754 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
2755 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
2756 limitations in subsection B.16.g. of this section; and

2757 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2758 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2759 aggregated total of two thousand square feet and shall be located within a fenced area or
2760 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
2761 may occur in nondwelling unit structures that exist as of October 1, 2013;

2762 h. Outdoor production area fencing as required by the Washington state Liquor
2763 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
2764 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
2765 of one hundred fifty feet from any existing residence; and

2766 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
2767 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
2768 entity occupying space in addition to the two-thousand-square-foot threshold area on that
2769 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

2770 17. Marijuana production by marijuana producers licensed by the Washington
2771 state Liquor and Cannabis Board is subject to the following standards:

|

2772 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
2773 Island;

2774 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
2775 except on Vashon-Maury Island;

2776 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
2777 21A.12.220.G.;

2778 d. Only with documentation that the operator has applied for a Puget Sound
2779 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2780 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2781 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2782 are imported onto the site;

2783 e. Production is limited to outdoor and indoor within marijuana greenhouses
2784 subject to the size limitations in subsection B.17.f. of this section;

2785 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2786 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2787 aggregated total of thirty thousand square feet and shall be located within a fenced area or
2788 marijuana greenhouse that is no more than ten percent larger than that combined area;
2789 and

2790 g. Outdoor production area fencing as required by the Washington state Liquor
2791 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
2792 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
2793 of one hundred fifty feet from any existing residence.

2794 18.a. Production is limited to indoor only;

|

2795 b. With a lighting plan only as required by and that complies with K.C.C.
2796 21A.12.220.G.;

2797 c. Only with documentation that the operator has applied for a Puget Sound
2798 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2799 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2800 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2801 are imported onto the site; and

2802 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2803 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2804 aggregated total of two thousand square feet and shall be located within a building or
2805 tenant space that is no more than ten percent larger than the plant canopy and separately
2806 authorized processing area; and

2807 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2808 every marijuana-related entity occupying space in addition to the two-thousand-square
2809 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
2810 subsection B.19. of this section.

2811 19.a. Production is limited to indoor only;

2812 b. With a lighting plan only as required by and that complies with K.C.C.
2813 21A.12.220.G.;

2814 c. Only with documentation that the operator has applied for a Puget Sound
2815 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2816 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2817 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2818 are imported onto the site; and

2819 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2820 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2821 aggregated total of thirty thousand square feet and shall be located within a building or
2822 tenant space that is no more than ten percent larger than the plant canopy and separately
2823 authorized processing area.

2824 20.a. Production is limited to indoor only;

2825 b. With a lighting plan only as required by and that complies with K.C.C.
2826 21A.12.220.G.;

2827 c. Only with documentation that the operator has applied for a Puget Sound
2828 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2829 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2830 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2831 are imported onto the site;

2832 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2833 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2834 aggregated total of two thousand square feet and shall be located within a building or
2835 tenant space that is no more than ten percent larger than the plant canopy and separately
2836 authorized processing area; and

2837 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2838 every marijuana-related entity occupying space in addition to the two-thousand-square-
2839 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2840 subsection B.21. of this section.

2841 21.a. Production is limited to indoor only;

2842 b. With a lighting plan only as required by and that complies with K.C.C.

2843 21A.12.220.G.;

2844 c. Only with documentation that the operator has applied for a Puget Sound

2845 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2846 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2847 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2848 are imported onto the site; and

2849 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

2850 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

2851 aggregated total of thirty thousand square feet and shall be located within a building or

2852 tenant space that is no more than ten percent larger than the plant canopy and separately

2853 authorized processing area.

2854 22. Marijuana production by marijuana producers licensed by the Washington

2855 state Liquor and Cannabis Board is subject to the following standards:

2856 a. With a lighting plan only as required by and that complies with K.C.C.

2857 21A.12.220.G.;

2858 b. Only allowed on lots of at least four and one-half acres;

2859 c. Only with documentation that the operator has applied for a Puget Sound

2860 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2861 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2862 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2863 are imported onto the site;

d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.22. e. and f. of this section;

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

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

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

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

a. agricultural is the primary use of the site;

b. the storage and processing are in accordance with best management practices included in an approved farm plan; and

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

24.a. For activities relating to the processing of crops or livestock for commercial purposes, including associated activities such as warehousing, storage, including refrigeration, and other similar activities and excluding ~~wineries, SIC Industry No. 2085—Distilled and Blended Liquors and SIC Industry No. 2082—Malt Beverages~~winery, brewery, distillery facility I, II, III and remote tasting room:

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

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

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

(b) as a permitted use, the floor area devoted to all warehousing,

2910 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
2911 unless located in a building designated as historic resource under K.C.C. chapter 20.62.

2912 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
2913 review and approve an increase of up to three thousand five hundred square feet of floor
2914 area devoted to all warehouseing, storage, including refrigeration, or other similar
2915 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
2916 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

2917 (4) in the A zone, structures and areas used for processing, warehousing,
2918 refrigeration, storage and other similar activities shall be located on portions of
2919 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
2920 the already developed portion of such agricultural lands that are not available for direct
2921 agricultural production, or areas without prime agricultural soils; and

2922 (5) structures and areas used for processing, warehousing, storage, including
2923 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
2924 five feet from property lines adjoining rural area and residential zones, unless located in a
2925 building designated as historic resource under K.C.C. chapter 20.62.

2926 b. For activities relating to the retail sale of agricultural products, except
2927 livestock:

2928 (1) sales shall be limited to agricultural products and locally made arts and
2929 crafts;

2930 (2) in the RA and UR zones, only allowed on sites at least four and one-
2931 half acres;

2932 (3) as a permitted use, the covered sales area shall not exceed two thousand

|

2933 square feet, unless located in a building designated as a historic resource under K.C.C.
2934 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
2935 21A.42.300, may review and approve an increase of up to three thousand five hundred
2936 square feet of covered sales area;

2937 (4) forty percent or more of the gross sales of agricultural product sold
2938 through the store must be sold by the producers of primary agricultural products;

2939 (5) sixty percent or more of the gross sales of agricultural products sold
2940 through the store shall be derived from products grown or produced in the Puget Sound
2941 counties. At the time of the initial application, the applicant shall submit a reasonable
2942 projection of the source of product sales;

2943 (6) tasting of products, in accordance with applicable health regulations, is
2944 allowed;

2945 (7) storage areas for agricultural products may be included in a farm store
2946 structure or in any accessory building; and

2947 (8) outside lighting is permitted if there is no off-site glare.

2948 c. Retail sales of livestock is permitted only as accessory to raising
2949 livestock.

2950 d. Farm operations, including quipment repair and related facilities, except
2951 that:

2952 (1) the repair of tools and machinery is limited to those necessary for the
2953 operation of a farm or forest;

2954 (2) in the RA and UR zones, only allowed on sites of at least four and one-
2955 half acres;

|

2956 (3) the size of the total repair use is limited to one percent of the farm size
2957 in the A zone, and up to one percent of the size in other zones, up to a maximum of five
2958 thousand square feet unless located within an existing farm structure, including but not
2959 limited to barns, existing as of December 31, 2003; and

2960 (4) Equipment repair shall not be permitted in the Forest zone.

2961 e. The agricultural technical review committee, as established in K.C.C.
2962 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
2963 residential zones and minimum setbacks from rural and residential zones.

2964 25. The department may review and approve establishment of agricultural
2965 support services in accordance with the code compliance review process in K.C.C.
2966 21A.42.300 only if:

2967 a. project is sited on lands that are unsuitable for direct agricultural production
2968 based on size, soil conditions or other factors and cannot be returned to productivity by
2969 drainage maintenance; and

2970 b. the proposed use is allowed under any Farmland Preservation Program
2971 conservation easement and zoning development standards.

2972 26. The agricultural technical review committee, as established in K.C.C.
2973 21A.42.300, may review and approve establishment of agricultural support services only
2974 if the project site:

2975 a. adjoins or is within six hundred sixty feet of the agricultural production
2976 district;

2977 b. has direct vehicular access to the agricultural production district;

2978 c. except for farmworker housing, does not use local access streets that abut

2979 lots developed for residential use; and

2980 d. has a minimum lot size of four and one-half acres.

2981 27. The agricultural technical review committee, as established in K.C.C.

2982 21A.42.300, may review and approve establishment of agricultural support services only

2983 if the project site:

2984 a. is outside the urban growth area,

2985 b. adjoins or is within six hundred sixty feet of the agricultural production

2986 district,

2987 c. has direct vehicular access to the agricultural production district,

2988 d. except for farmworker housing, does not use local access streets that abut

2989 lots developed for residential use; and

2990 e. has a minimum lot size of four and one-half acres.

2991 28. Only allowed on properties that are outside the urban growth area.

2992 SECTION 3645. Ordinance 10870, Section 337, as amended, and K.C.C.

2993 21A.08.100 are hereby amended to read as follows:

2994 A. Regional land uses.

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

	Animal Control Facility												
*	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	€ P12 ((C1 2 S))	€ P12 ((C1 2 S))	€ P12 ((C1 2 S))	€ P12 ((C 12 S))	€ P12 ((C 12 S))	€ P12 ((C 12 S))	€ P12 ((C 12 S))	€ P12 ((C 12 S))	€ P12 ((C12 S))	€ P12 ((C 12 S))	€ P12 ((S 12 S))	€ P12 ((S 12 S))
*	Renewable Energy Generation Facility	C	C	C	C	C	C	C	C	C	C	C	C
*	Fossil Fuel Facility												S27
*	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) 1	((S) 1	((S) 1	((S) 1	S27 S	S27S	S27 S	((C) S27
*	Fossil Fuel Facility Type I												C28
*	Fossil Fuel Facility Type II												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	S	P13	S	S	S	S	S	S	S	S	S	S

	Production		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								

2995 B. Development conditions.

2996 1. Except technical institutions. See vocational schools on general services land
2997 use table, K.C.C. 21A.08.050.

2998 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

2999 3. Except weapons armories and outdoor shooting ranges.

|

3000 4. Except outdoor shooting range.

3001 5. Only in conjunction with an existing or proposed school.

3002 6.a. Limited to no more than three satellite dish antennae.

3003 b. Limited to one satellite dish antenna.

3004 c. Limited to tower consolidations.

3005 7. Limited to landing field for aircraft involved in forestry or agricultural

3006 practices or for emergency landing sites.

3007 8. Except racing of motorized vehicles.

3008 9. Limited to wildlife exhibit.

3009 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

3010 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter

3011 21A.32.

3012 12. Limited to ~~((cogeneration facilities for on-site use only))~~ gas extraction as an

3013 accessory use to a waste management process, such as wastewater treatment, landfill

3014 waste management, livestock manure and composting processes.

3015 13. Excluding impoundment of water using a dam.

3016 14. Limited to facilities that comply with the following:

3017 a. Any new diversion structure shall not:

3018 (1) exceed a height of eight feet as measured from the streambed; or

3019 (2) impound more than three surface acres of water at the normal maximum

3020 surface level;

3021 b. There shall be no active storage;

3022 c. The maximum water surface area at any existing dam or diversion shall not

3023 be increased;

3024 d. An exceedance flow of no greater than fifty percent in mainstream reach

3025 shall be maintained;

3026 e. Any transmission line shall be limited to a:

3027 (1) right-of-way of five miles or less; and

3028 (2) capacity of two hundred thirty KV or less;

3029 f. Any new, permanent access road shall be limited to five miles or less; and

3030 g. The facility shall only be located above any portion of the stream used by

3031 anadromous fish.

3032 15. For I-zoned sites located outside the urban growth area designated by the

3033 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.

3034 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be

3035 prohibited. All other uses, including waste water treatment facilities, shall be subject to

3036 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

3037 16. The operator of such a facility shall provide verification to the department of

3038 natural resources and parks or its successor organization that the facility meets or exceeds

3039 the standards of the Animal and Plant Health Inspection Service of the United States

3040 Department of Agriculture and the accreditation guidelines of the American Zoo and

3041 Aquarium Association.

3042 17. The following provisions of the table apply only to major communication

3043 facilities. Minor communication facilities shall be reviewed in accordance with the

3044 processes and standard outlined in K.C.C. chapter 21A.27.

3045 18. Only for facilities related to resource-based research.

3046 19. Limited to work release facilities associated with natural resource-based
3047 activities.

3048 20. Limited to projects which do not require or result in an expansion of sewer
3049 service outside the urban growth area, unless a finding is made that no cost-effective
3050 alternative technologies are feasible, in which case a tightline sewer sized only to meet
3051 the needs of the school bus base and serving only the school bus base may be used.
3052 Renovation, expansion, modernization or reconstruction of a school bus base is permitted
3053 but shall not require or result in an expansion of sewer service outside the urban growth
3054 area, unless a finding is made that no cost-effective alternative technologies are feasible,
3055 in which case a tightline sewer sized only to meet the needs of the school bus base.

3056 21. Only in conformance with the King County Site Development Plan Report,
3057 through modifications to the plan of up to ten percent are allowed for the following:

3058 a. building square footage;
3059 b. landscaping;
3060 c. parking;
3061 d. building height; or
3062 e. impervious surface.

3063 22. A special use permit shall be required for any modification or expansion of
3064 the King County fairgrounds facility that is not in conformance with the King County
3065 Site Development Plan Report or that exceeds the allowed modifications to the plan
3066 identified in subsection B.21. of this section.

3067 23. The facility shall be primarily devoted to rural public infrastructure
3068 maintenance and is subject to the following conditions:

|

3069 a. The minimum site area shall be ten acres, unless:

3070 (1) the facility is a reuse of a public agency yard; or

3071 (2) the site is separated from a county park by a street or utility right-of-way;

3072 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided

3073 between any stockpiling or grinding operations and adjacent residential zoned property;

3074 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided

3075 between any office and parking lots and adjacent residential zoned property;

3076 d. Access to the site does not use local access streets that abut residential zoned

3077 property, unless the facility is a reuse of a public agency yard;

3078 e. Structural setbacks from property lines shall be as follows:

3079 (1) Buildings, structures and stockpiles used in the processing of materials

3080 shall be no closer than:

3081 (a) one hundred feet from any residential zoned properties, except that the

3082 setback may be reduced to fifty feet when the grade where the building or structures are

3083 proposed is fifty feet or greater below the grade of the residential zoned property;

3084 (b) fifty feet from any other zoned property, except when adjacent to a

3085 mineral extraction or materials processing site;

3086 (c) the greater of fifty feet from the edge of any public street or the setback

3087 from residential zoned property on the far side of the street; and

3088 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall

3089 not be closer than fifty feet from any property line except when adjacent to M or F zoned

3090 property or when a reuse of an existing building. Facilities necessary to control access to

3091 the site, when demonstrated to have no practical alternative, may be located closer to the

3092 property line;

3093 f. On-site clearing, grading or excavation, excluding that necessary for
3094 required access, roadway or storm drainage facility construction, shall not be permitted
3095 within fifty feet of any property line except along any portion of the perimeter adjacent to
3096 M or F zoned property. If native vegetation is restored, temporary disturbance resulting
3097 from construction of noise attenuation features located closer than fifty feet shall be
3098 permitted; and

3099 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

3100 24. The following accessory uses to a motor race track operation are allowed if
3101 approved as part of the special use permit:

3102 a. motocross;

3103 b. autocross;

3104 c. skidpad;

3105 d. garage;

3106 e. driving school; and

3107 f. fire station.

3108 25. Regional transit authority facilities shall be exempt from setback and height
3109 requirements.

3110 26. Transit comfort facility shall:

3111 a. only be located outside of the urban growth area boundary;

3112 b. be exempt from street setback requirements; and

3113 c. be no more than 200 square feet in size.

3114 ~~27. Use limited to gas extraction as an accessory use to waste management~~

~~process, such as wastewater treatment, landfill waste management, livestock manure and composting processes.~~

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

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

~~28. Required for all new, modified or expanded fossil fuel facilities where modified or expanded include, but are not limited to:~~

~~a. (1) new uses or fuel types within existing facilities;~~

~~(2) ~~b.~~ changes to the type of refining, manufacturing and/or processing;~~

~~(3) changes in the methods or volumes of storage or transport of raw materials or processed products;~~

~~(4) ~~e.~~ changes in the location of the facilities on-site;~~

~~d. (5) replacement of existing facilities;~~

~~e. (6) increases in power or water demands; or~~

~~f. (7) increases in production capacity; and~~

~~~~g.~~ changes in the methods or volumes of transport of raw materials or processed products.~~

~~29. Limited to facilities that comply with the following:~~

~~a. ~~b.~~ Facilities shall:~~

~~(1) not be located within one thousand feet from any schools, medical care facilities, or places of assembly that have occupancies of greater than one thousand persons, such as arenas, gymnasiums and auditoriums;~~

~~b. shall (2) not be located within two hundred fifty feet from a regulated wetland or aquatic area, except when a larger buffer is required under K.C.C. chapter~~



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

~~e. structures shall be (3) maintain an interior setback of at least two hundred feet from adjacent properties; and;~~

~~d. storage of (4) store fossil fuels must be contained completely within enclosed structures, tanks or similar facilities; and~~  
(5) be accessed directly to and from an arterial roadway.

SECTION 3746. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are hereby amended to read as follows:

A. Densities and dimensions - residential and rural zones.

| RURAL                                   |                |         |          |           | RESIDENTIAL |             |                             |               |               |               |               |               |               |
|-----------------------------------------|----------------|---------|----------|-----------|-------------|-------------|-----------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| STANDARDS                               | RA-2.5         | RA-5    | RA-10    | RA-20     | UR          | R-1<br>(17) | R-4                         | R-6           | R-8           | R-12          | R-18          | R-24          | R-48          |
| Base Density:                           | 0.2            | 0.2     | 0.1      | 0.05      | 0.2         | 1 du/ ac    | 4 du/ ac                    | 6             | 8             | 12            | 18            | 24            | 48            |
| Dwelling Unit/Acre (15) (28)            | du/ac          | du/ac   | du/ac    | du/ac     | du/ac (21)  |             | (6)                         | du/ac         | du/ac         | du/ac         | du/ac         | du/ac         | du/ac         |
| Maximum Density: Dwelling Unit/Acre (1) | 0.4 du/ac (20) |         |          |           |             |             | 6 du/ ac (22) 8 du/ ac (27) | 9 du/ac (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                          | 30 ft          | 30 ft   | 30ft (9) | 30 ft (9) | 30 ft (7)   | 20 ft (7)   | 10 ft (8)                   | 10 ft         | 10 ft         | 10 ft         | 10 ft         | 10ft          | 10 ft         |

|                                                     |                             |                             |                                     |                            |                     |                     |               |                                |                                |             |                        |                        |                        |
|-----------------------------------------------------|-----------------------------|-----------------------------|-------------------------------------|----------------------------|---------------------|---------------------|---------------|--------------------------------|--------------------------------|-------------|------------------------|------------------------|------------------------|
| Setback (3)                                         | (9)                         | (9)                         |                                     |                            |                     | (29)                |               | (8)                            | (8)                            | (8)         | (8)                    | (8)                    | (8)                    |
| Minimum Interior<br>Setback (3) (16)                | 5 ft (9)                    | 10ft<br>(9)                 | 10 ft (9)                           | 10 ft (9)                  | 5 ft (7)            | 5 ft (7)            | 5 ft          | 5 ft                           | 5 ft                           | 5 ft        | 5 ft                   | 5 ft                   | 5 ft                   |
| Base Height (4)                                     | 40 ft                       | 40 ft                       | 40 ft                               | 40 ft                      | 35 ft               | 35 ft<br>(29)       | 35 ft<br>(25) | 35 ft<br>45 ft<br>(14)<br>(25) | 35 ft<br>45 ft<br>(14)<br>(25) | 60 ft       | 60 ft<br>80 ft<br>(14) | 60 ft<br>80 ft<br>(14) | 60 ft<br>80 ft<br>(14) |
| Maximum<br>Impervious<br>Surface:<br>Percentage (5) | 25%<br>(11)<br>(19)<br>(26) | 20%<br>(11)<br>(19)<br>(26) | 15%<br>(11)<br>(19)<br>(24)<br>(26) | 12.5%<br>(11) (19)<br>(26) | 30%<br>(11)<br>(26) | 30%<br>(11)<br>(26) | 55%<br>(26)   | 70%<br>(26)                    | 75%<br>(26)                    | 85%<br>(26) | 85%<br>(26)            | 85%<br>(26)            | 90%<br>(26)            |

B. Development conditions.

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

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

density incentive or density transfer.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and

townhouse developments.

4.a. Height limits may be increased if portions of the structure that exceed the

base height limit provide one additional foot of street and interior setback for each foot

above the base height limit, but the maximum height may not exceed seventy-five feet.

b. Netting or fencing and support structures for the netting or fencing used to

contain golf balls in the operation of golf courses or golf driving ranges are exempt from

the additional interior setback requirements but the maximum height shall not exceed

seventy-five feet, except for recreation or multiuse parks, where the maximum height

shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence. ~~Accessory dwelling units and accessory living quarters shall not exceed~~

~~base heights.~~

c. Accessory dwelling units and accessory living quarters shall not exceed base heights, except that this requirement shall not apply to accessory dwelling units constructed wholly within an existing dwelling unit.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in rural area and residential zones shall comply with

K.C.C. 21A.12.120 and 21A.12.220;

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

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

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

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

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

3185           9.a. Residences shall have a setback of at least one hundred feet from any  
3186 property line adjoining A, M or F zones or existing extractive operations. However,  
3187 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or  
3188 existing extractive operations shall have a setback from the rear property line equal to  
3189 fifty percent of the lot width and a setback from the side property equal to twenty-five  
3190 percent of the lot width.

3191           b. Except for residences along a property line adjoining A, M or F zones or  
3192 existing extractive operations, lots between one acre and two and one-half acres in size  
3193 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
3194 to the requirements of the R-4 zone.

3195           10.a. For developments consisting of three or more single-detached dwellings  
3196 located on a single parcel, the setback shall be ten feet along any property line abutting  
3197 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
3198 K.C.C. 21A.14.190, which shall have a setback of five feet.

3199           b. For townhouse and apartment development, the setback shall be twenty feet  
3200 along any property line abutting R-1 through R-8, RA and UR zones, except for  
3201 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback  
3202 of five feet, unless the townhouse or apartment development is adjacent to property upon  
3203 which an existing townhouse or apartment development is located.

3204           11. Lots smaller than one-half acre in area shall comply with standards of the  
3205 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
3206 larger, the maximum impervious surface area allowed shall be at least ten thousand  
3207 square feet. On any lot over one acre in area, an additional five percent of the lot area

may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

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

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

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

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

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

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

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

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

|

3231 (1) a floodplain;

3232 (2) a critical aquifer recharge area;

3233 (3) a regionally or locally significant resource area;

3234 (4) existing or planned public parks or trails, or connections to such facilities;

3235 (5) a category type S or F aquatic area or category I or II wetland;

3236 (6) a steep slope; or

3237 (7) an urban separator or wildlife habitat network designated by the

3238 Comprehensive Plan or a community plan.

3239 b. The development shall be clustered away from critical areas or the axis of

3240 designated corridors such as urban separators or the wildlife habitat network to the extent

3241 possible and the open space shall be placed in a separate tract that includes at least fifty

3242 percent of the site. Open space tracts shall be permanent and shall be dedicated to a

3243 homeowner's association or other suitable organization, as determined by the director,

3244 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and

3245 designated urban separators shall be placed within the open space tract to the extent

3246 possible. Passive recreation, with no development of recreational facilities, and natural-

3247 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

3248 18. See K.C.C. 21A.12.085.

3249 19. All subdivisions and short subdivisions in R-1 and RA zones within the

3250 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North

3251 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and

3252 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East

3253 Sammamish Community Planning Area that drains to Patterson Creek shall have a

maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

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

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

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

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

24. The impervious surface standards for the county fairground facility are established in the King County Fairgrounds Site Development Plan, Attachment A to Ordinance 14808\* on file at the department of natural resources and parks and the department of local services, permitting division. Modifications to that standard may be allowed provided the square footage does not exceed the approved impervious surface square footage established in the King County Fairgrounds Site Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808\*, by more than ten percent.

25. For cottage housing developments only:

a. The base height is ~~((eighteen))~~ twenty-five feet.

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

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

27.a. Only in accordance with K.C.C. 21A.34.040.F.1.g. ~~((and))~~ or F.6.; or

b. Only through the application of transfer of development rights, if all units above one hundred fifty percent of the base density are either:

(1) rental housing permanently priced to serve households with a total household income at or below forty percent of the King County median income, adjusted for household size. A covenant on the property that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval; or

(2) housing reserved for income- and asset-qualified home buyers with total household income at or below forty percent of the King County median, adjusted for household size. The units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

28. On a site zoned RA with a building listed on the national register of historic



places, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

29. Height and setback requirements shall not apply to regional transit authority facilities.

SECTION 3847. Ordinance 16267, Section 30, and K.C.C. 21A.12.250 are hereby amended to read as follows:

The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the office/outpatient clinic use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a conditional use, subject to the following requirements:

A. The site shall be zoned R-4 through R-48;

B. The establishment shall be located within one-quarter mile of a rural town, unincorporated activity center, community business center or neighborhood business center and less than one mile from another commercial establishment;

C. The establishment shall be located in either:

1. ((a))A legally established single family dwelling in existence on or before January 1, 2008. The structure may not be expanded by more than ten percent as provided in K.C.C. ((21A.30.xxx)) 21A.32.065 for the expansion of legally established nonconforming uses; or

2. A mixed use development with one hundred percent of the dwelling units affordable to households with incomes at or below sixty percent of area median income and on-site supportive services consistent with the King County Consortium Consolidated Housing and Community Development Plan or successor plan;

D. The maximum on-site parking ratio for establishments and sites shall be ((2)) two per ((4000)) one thousand square feet and required parking shall not be located between the building and the street; and

E. Sign and landscaping standards for the use apply.

SECTION 48. Ordinance 15032, Section 18, as amended, and K.C.C. 21A.14.025 are hereby amended to read as follows:

For cottage housing developments in the R4-R8 zones:

A. The total area of the common open space must be at least two hundred and fifty square feet per unit and at least fifty percent of the units must be clustered around the common space.

B. The total floor area of each unit, ~~((including))~~ except for two hundred and fifty square feet of any enclosed parking, is limited to one thousand two hundred square feet. The footprint of each unit, including any enclosed parking, is limited to nine hundred square feet. A front or wraparound porch of up to one hundred square feet is permitted and is not to be included in the floor area or footprint calculation.

C. Fences within the cottage housing unit development are limited to three feet in height. Fences along the perimeter of the cottage housing development are limited to six feet.

D. Individual cottage housing units must be at least ten feet apart.

E. Each dwelling unit that abuts common open space shall have either a primary entry, or a covered porch, or both, oriented to the common open space.

F. Each dwelling unit ~~abutting or proximal to~~ within forty feet of a public right-of-way, not including alleys, shall have a ~~façade that is inviting, such as a primary or~~

~~secondary entrance or porch, facade~~ oriented to the public right-of-way. ~~that includes a porch, an entrance or a bay window that projects a minimum of six inches and is a minimum of four feet in width.~~ If a dwelling unit ~~abuts~~ is within forty feet of more than one public right-of-way, the department shall determine which right-of-way ~~towards which the inviting facade~~ facade elements shall be oriented. ~~Materials used on this facade shall wrap the corners of the unit.~~

SECTION 3949. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are hereby amended to read as follows:

A. Except as modified in K.C.C. 21A.18.070.B-~~.~~ through D~~;~~, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of non-public areas. Non-public areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

| LAND USE                                  | MINIMUM PARKING SPACES<br>REQUIRED |
|-------------------------------------------|------------------------------------|
| <b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b> |                                    |
| Single detached/Townhouse                 | 2.0 per dwelling unit              |
| Apartment:                                |                                    |
| Studio units                              | 1.2 per dwelling unit              |

|                                                    |                                                                                                                                                                                                                                                                              |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| One bedroom units                                  | 1.5 per dwelling unit                                                                                                                                                                                                                                                        |
| Two bedroom units                                  | 1.7 per dwelling unit                                                                                                                                                                                                                                                        |
| Three bedroom units or larger                      | 2.0 per dwelling unit                                                                                                                                                                                                                                                        |
| Mobile home park                                   | 2.0 per dwelling unit                                                                                                                                                                                                                                                        |
| Senior citizen assisted                            | 1 per 2 dwelling or sleeping units                                                                                                                                                                                                                                           |
| Community residential facilities                   | 1 per two bedrooms                                                                                                                                                                                                                                                           |
| Dormitory, including religious                     | 1 per two bedrooms                                                                                                                                                                                                                                                           |
| Hotel/Motel including organizational hotel/lodging | 1 per bedroom                                                                                                                                                                                                                                                                |
| Bed and breakfast guesthouse                       | 1 per guest room, plus 2 per facility                                                                                                                                                                                                                                        |
| <u>Cottage housing:</u>                            |                                                                                                                                                                                                                                                                              |
| <u>Studio units</u>                                | <u>1.0 per dwelling unit</u>                                                                                                                                                                                                                                                 |
| <u>Cottage housingOne bedroom units</u>            | <u>1 per dwelling unit less than 750 ft<sup>2</sup></u><br><u>1.5 per dwelling unit equal to 750 ft<sup>2</sup></u><br><u>and less than 1,000 ft<sup>2</sup> 2 per dwelling</u><br><u>unit equal to or greater than 1,000</u><br><u>ft<sup>2</sup> 1.5 per dwelling unit</u> |
| <u>Two bedroom units or larger</u>                 | <u>2.0 per dwelling unit</u>                                                                                                                                                                                                                                                 |
| <b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>  |                                                                                                                                                                                                                                                                              |
| Recreation/culture uses:                           | 1 per 300 square feet                                                                                                                                                                                                                                                        |
| Exceptions:                                        |                                                                                                                                                                                                                                                                              |
| Bowling center                                     | 5 per lane                                                                                                                                                                                                                                                                   |

|                                                |                                                                                                                                                                     |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Golf course                                    | 3 per hole, plus 1 per 300 square feet of club house facilities                                                                                                     |
| Tennis Club                                    | 4 per tennis court plus 1 per 300 square feet of clubhouse facility                                                                                                 |
| Golf driving range                             | 1 per tee                                                                                                                                                           |
| Park/playfield/paintball                       | (director)                                                                                                                                                          |
| Theater                                        | 1 per 3 fixed seats                                                                                                                                                 |
| Conference center                              | 1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces. |
| <b>LAND USE</b>                                | <b>MINIMUM PARKING SPACES REQUIRED</b>                                                                                                                              |
| <b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b> |                                                                                                                                                                     |
| General services uses:                         | 1 per 300 square feet                                                                                                                                               |
| -Exceptions:                                   |                                                                                                                                                                     |
| -Funeral home/Crematory                        | 1 per 50 square feet of chapel area                                                                                                                                 |
| -Daycare I                                     | 2 per facility                                                                                                                                                      |
| -Daycare II                                    | 2 per facility, plus 1 space for each 20 children                                                                                                                   |
| -Churches, synagogue, temple                   | 1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without                                                                                          |

|                                                            |                                                                                      |
|------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                                            | fixed seats used for assembly purposes                                               |
| -Outpatient and Veterinary clinic offices                  | 1 per 300 square feet of office, labs and examination rooms                          |
| -Nursing and personal care Facilities                      | 1 per 4 beds                                                                         |
| -Hospital                                                  | 1 per bed                                                                            |
| -Elementary schools                                        | 1 per classroom, plus 1 per 50 students                                              |
| -Secondary schools                                         |                                                                                      |
| -Middle/junior high schools                                | 1 per classroom, plus 1 per 50 students                                              |
| -High schools                                              | 1 per classroom, plus 1 per 10 students                                              |
| -High schools with stadiums                                | greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium |
| -Vocational schools                                        | 1 per classroom, plus 1 per five students                                            |
| -Specialized instruction Schools                           | 1 per classroom, plus 1 per two students                                             |
| -Artist Studios                                            | <u>0.9</u> per 1,000 square feet of area used for studios                            |
| <b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b> |                                                                                      |
| Government/business services uses:                         | 1 per 300 square feet                                                                |
| -Exceptions:                                               |                                                                                      |
| -Public agency yard                                        | 1 per 300 square feet of offices, plus<br><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                                                                                 |
| <b>LAND USE</b>               | <b>MINIMUM PARKING SPACES</b>                                                                         |

|                                                        |                                                                                                                                      |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | <b>REQUIRED</b>                                                                                                                      |
| <b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>         |                                                                                                                                      |
| Retail trade uses:                                     | 1 per 300 square feet                                                                                                                |
| -Exceptions:                                           |                                                                                                                                      |
| -Food stores, less than 15,000 square feet             | 3 plus 1 per 350 square feet                                                                                                         |
| -Gasoline service stations w/o grocery                 | 3 per facility, plus 1 per service bay                                                                                               |
| -Gasoline service stations w/grocery, no service bays  | 1 per facility, plus 1 per 300 square feet of store                                                                                  |
| -Restaurants                                           | 1 per 75 square feet in dining or lounge areas                                                                                       |
| <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                                                                                                                |
| <b>MANUFACTURING (K.C.C. 21A.08.080.A):</b>            |                                                                                                                                      |
| -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 <del>50</del> <u>300</u> square feet of tasting <del>area</del> <u>and retail areas</u> |
| <b>RESOURCES (K.C.C. 21A.08.090.A):</b>                |                                                                                                                                      |
| -Resource uses                                         | (director)                                                                                                                           |
| <b>REGIONAL (K.C.C. 21A.08.100.A):</b>                 |                                                                                                                                      |



|                |            |
|----------------|------------|
| -Regional uses | (director) |
|----------------|------------|

B. An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to fifty percent of the minimum required number of spaces.

C. When the county has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the ~~((zone designation))~~ zoning classification and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the director will establish the amount of parking based on a likely range of uses.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every twelve spaces required for motor vehicles except as follows:

a. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

3384 (1) Park/playfield,  
3385 (2) Marina,  
3386 (3) Library/museum/arboretum,  
3387 (4) Elementary/secondary school,  
3388 (5) Sports club, or  
3389 (6) Retail business (when located along a developed bicycle trail or  
3390 designated bicycle route).

3391 2. Bicycle facilities for patrons shall be located within 100 feet of the building  
3392 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a  
3393 structure attached to the pavement.

3394 3. All bicycle parking and storage shall be located in safe, visible areas that do  
3395 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

3396 4. When more than ten people are employed on site, enclosed locker-type  
3397 parking facilities for employees shall be provided. The director shall allocate the  
3398 required number of parking spaces between bike rack parking and enclosed locker-type  
3399 parking facilities.

3400 5. One indoor bicycle storage space shall be provided for every two dwelling  
3401 units in townhouse and apartment residential uses, unless individual garages are provided  
3402 for every unit. The director may reduce the number of bike rack parking spaces if indoor  
3403 storage facilities are available to all residents.

3404 ~~SECTION 40. SECTION 50. Ordinance 10870, Section 435, and K.C.C.~~

3405 21A.20.150 are hereby amended to read as follows:

3406 A. In the event that a billboard owner elects to relocate CB zoned billboards

outside of the CB zone, the CB ~~((zone designation))~~ zoning classification shall be removed and that permit may not later be used to relocate a billboard in the CB zone.

B. Billboards may be relocated only within the zone district identified on the valid billboard permit, except the number of billboards permitted within non-CB zone district may increase only as a result of billboard relocation from within the CB zone district.

SECTION 51. Ordinance 10870, Section 439, as amended, and K.C.C. 21A.22.010 are hereby amended to read as follows:

The purpose of this chapter is to establish standards that minimize the impacts of mineral extraction ~~((and))~~ or processing, coal mining, materials processing ~~((operations))~~ facilities and fossil fuel facilities upon surrounding properties by:

A. Ensuring adequate review of operating aspects of mineral extraction ~~((and))~~ or processing, coal mining, materials processing facility and fossil fuel facility sites;

B. Requiring project phasing on large sites to minimize environmental impacts;

C. Requiring minimum site areas large enough to provide setbacks and mitigations necessary to protect environmental quality; and

D. Requiring periodic review of mineral extraction ~~((and))~~ or processing, coal mining, materials processing ~~((operations))~~ facilities and fossil fuel facilities to ensure compliance with the approved operating standards.

SECTION 52. Ordinance 10870, Section 440, as amended, and K.C.C. 21A.22.020 are hereby amended to read as follows:

This chapter shall only apply to the following uses or activities ~~((that are))~~:

A. ~~((m))~~Mineral extraction or processing, or both, and including SIC 10 and 14;

B. Coal mining, including SIC 12;

C. ~~((m))~~Materials processing ~~((operations))~~ facilities; and

D. Fossil fuel facilities.

SECTION 53. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are hereby amended to read as follows:

~~((Extractive))~~ Mineral extraction or processing operations, coal mine operations and materials processing facility operations shall commence only after issuance of a grading permit by the county.

SECTION 54. Ordinance 15032, Section 26, as amended, and K.C.C. 21A.22.035 are hereby amended to read as follows:

A. Not later than thirty days after the department provides the notice of application to the public required by K.C.C. 20.20.060 ~~((on))~~ for a ~~((mineral extraction or materials processing operations. The regulations in site))~~ use regulated under this chapter will apply, or for an expansion of an existing ~~((mineral extraction or materials processing site or operation))~~ use regulated under this chapter beyond the scope of the prior environmental review, the applicant shall hold a community meeting. The notice of application shall include notification of the date, time and location of the community meeting. At the meeting, the applicant shall provide information relative the proposal, including information on existing residences and lot patterns within one-quarter mile of potential sites and on alternative haul routes. The applicant shall also provide a preliminary evaluation at the meeting of any alternative routes that have been provided to the applicant in writing at least five days in advance of the meeting. The applicant shall

provide to the department within fourteen days after the community meeting a written list of meeting attendees and documentation of the meeting.

B. Public notice of the community meeting required by this section shall be prepared, posted and distributed in accordance with K.C.C. 20.20.060 at least two weeks before the community meeting. In addition, the department shall:

1. Publish a notice of the meeting in a local newspaper of general circulation in the affected area;

2. Mail the notice of the meeting to all ~~mining operations, including property~~ owners within one-quarter mile of the proposed or expanded site or to at least twenty of the property owners nearest to the site, whichever is greater; and

3. Mail the notice of the meeting to all property owners within five hundred feet of any proposed haul route from the site to the nearest arterial.

SECTION 55. Ordinance 10870, Section 442, as amended, and K.C.C. 21A.22.040 are hereby amended to read as follows:

To the maximum extent practicable, nonconforming ~~((mineral extraction operations))~~ uses regulated under this chapter shall be brought into conformance with the operating conditions and performance standards of this chapter during permit renewal.

The department shall establish a schedule for conformance during the first periodic review of the nonconforming ~~((mineral extraction))~~ operation or facility and incorporate~~((d))~~ such a schedule into the permit conditions.

SECTION 56. Ordinance 10870, Section 443, as amended, and K.C.C. 21A.22.050 are hereby amended to read as follows:

3474 A. In addition to the review conducted as part of the annual renewal of a mineral  
3475 extraction or processing operating permit, coal mine permit or materials processing  
3476 facility permit, the department shall conduct a periodic review of mineral extraction  
3477 ~~((and))~~ or processing, coal mine, materials processing ~~((operation))~~ facility or fossil fuel  
3478 facility site design and operating standards at five-year intervals from the date of issuance  
3479 of the permit.

3480 B. The periodic review is a Type 2 land use decision.

3481 C. The periodic review shall ~~((determine))~~:

3482 1. Determine ~~((W))~~whether the site is operating consistent with all existing  
3483 permit conditions and, if not, establish corrective actions; and

3484 2. ~~((That))~~ Apply the most current site design and operating standards ~~((are~~  
3485 applied)) to the site through additional or revised permit conditions as necessary to  
3486 mitigate identifiable environmental, public health and public safety impacts.

3487 SECTION 57. Ordinance 10870, Section 444, as amended, and K.C.C.  
3488 21A.22.060 are hereby amended to read as follows:

3489 Except as otherwise provided ~~((for nonconforming mineral extraction operations))~~  
3490 in K.C.C. 21A.22.040, in addition to requirements in this title, all ~~((mineral extraction~~  
3491 ~~and materials processing operations))~~ uses regulated under this chapter shall comply with  
3492 the following standards:

3493 A. The minimum site area ~~((of a mineral extraction or materials processing~~  
3494 ~~operation))~~ shall be ten acres;

B. (~~(Mineral extraction or materials processing operations o~~))On sites larger than twenty acres, activities shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process;

C. If the department determines they are necessary to eliminate a safety hazard, fences or alternatives to fences (~~(approved by the department,))~~ shall be:

1. Provided in a manner that discourages access to areas of the site where:

a. active extracting, processing, stockpiling and loading of materials is occurring;

b. boundaries are in common with residential or commercial zone property or public lands; or

c. any unstable slope or any slope exceeding a grade of forty percent is present;

2. At least six feet in height above the grade measured at a point five feet outside the fence and the fence material shall have no opening larger than two inches;

3. Installed with lockable gates at all openings or entrances;

4. No more than four inches from the ground to fence bottom; and

5. Maintained in good repair;

D. Warning and trespass signs advising of the (~~(mineral extraction or materials processing operation))~~ use shall be placed on the perimeter of the site adjacent to RA, UR or R zones at intervals no greater than two hundred feet along any unfenced portion of the site where the items noted in subsection C.1.~~((a. through e.))~~ of this section are present;

E. Structural setbacks from property lines shall be as follows:

1. Buildings, structures and stockpiles used in the processing of materials shall be no closer than:

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

b. fifty feet from any other zoned property, except when adjacent to another ((mineral extraction or materials processing site)) use regulated under this chapter;

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

2. Offices, scale facilities, equipment storage buildings and stockpiles, including those for reclamation, shall not be closer than fifty feet from any property line except when adjacent to another ((mineral extraction or materials processing site)) use regulated under this chapter or M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

F. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction or activities in accordance with an approved reclamation plan, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to another ((mineral extraction or materials processing operation)) use regulated under this chapter or M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted;

G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except using only plantings native to the surrounding area, shall be provided along any portion of the site perimeter where site disturbances ((such as site clearing and grading, or



~~mineral extraction or materials processing is))~~ associated with a use regulated under this chapter are performed, except where adjacent to another ~~((mineral extraction, materials processing or))~~ use regulated under this chapter, forestry operation or M or F-zoned property;

H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82 shall be applied; and

I. Lighting shall:

1. Be limited to that required for security, lighting of structures and equipment, and vehicle operations; and

2. Not directly glare onto surrounding properties.

SECTION 58. Ordinance 10870, Section 445, as amended, and K.C.C. 21A.22.070 are hereby amended to read as follows:

Operating conditions and performance standards for all clearing and grading activity for a use regulated under this chapter shall be as specified in K.C.C. chapter 16.82 except:

A.1. Noise levels ~~((produced by a mineral extraction or materials processing operation))~~ shall not exceed levels specified by K.C.C. chapter 12.86;

2. Hours of operation ~~((for mineral extraction and materials processing facilities))~~, unless otherwise specified by the director, shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and holidays;

3. Before approving any variation of the hours of operation, the department shall:

\_\_\_\_\_ a. determine whether on-site operations can comply with nighttime noise standards in accordance with K.C.C. 12.86.110, and K.C.C. 12.86.120;

\_\_\_\_\_ b. determine whether the variance would cause significant adverse noise impacts to the community in accordance with standards and methodologies developed by the Federal Transit Administration, Federal Highway Administration or World Health Organization, or any combination thereof, for evaluating noise impacts, or other comparable standards and methods; and

\_\_\_\_\_ c. require mitigation for any identified impacts before the department approves a variation in the hours of operation; and

\_\_\_\_\_ 4. The director's decision to approve a variation in the hours of operation shall be in writing and shall include a specific finding of compliance with the noise standards, the facts and conclusions supporting that finding and any mitigation, conditions or limitations imposed. All decisions made under this subsection shall be compiled by the department and made available for public inspection;

\_\_\_\_\_ B. Blasting shall be conducted under an approved blasting plan:

\_\_\_\_\_ 1. Consistent with the methods specified in the Office of Surface Mining Enforcement and Reclamation 1987 Blasting Guidance Manual in a manner that protects from damage all structures, excluding those owned and directly used by the operator, and persons in the vicinity of the blasting area, including, but not limited to ~~SIC Major Groups 10, 12 and 14.~~, adherence to the following:

\_\_\_\_\_ a. Airblast levels shall not exceed one hundred thirty-three decibels measured by a two Hz or lower flat response system at the nearest residential property or place of public assembly;

b. Flyrock shall not be cast one-half the distance to the nearest residential property, place of public assembly or the property boundary, whichever is less. For the purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior to any enclosed structure, at ground surface, which separates the property of one or more persons from that owned by others, and its vertical extension; and

c. Ground motion shall not exceed ground vibration levels damaging to structures using one of the four accepted methods in the Office of Surface Mining Enforcement and Reclamation 1987 Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule, provided to residents within one-half mile of the site, that features regular or predictable times, except in the case of an emergency. If requested by a resident, the operator shall provide notice of changes in the time schedule at least twenty four hours before the changes take effect;

C.1. Dust and smoke (~~((produced by mineral extraction and materials processing operations))~~) shall be controlled by best management practices to comply with relevant regulations of the Puget Sound Clean Air Agency.

2. Dust and smoke (~~((from process facilities))~~) shall be controlled in accordance with a valid operating permit from the Puget Sound Clean Air Agency, when required. Copies of the permit shall be kept onsite and available for department and public inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be provided to the department on permit monitoring data submittal dates.

3. Dust and smoke (~~((from process facilities))~~) shall not significantly increase the existing levels of suspended particulates at the perimeter of the site;

D. The applicant shall prevent rocks, dirt, mud and any raw or processed material from spilling from or being tracked by trucks onto public roadways and shall be responsible for cleaning debris or repairing damage to roadways caused by the operation;

E. The applicant shall provide traffic control measures such as flaggers or warning signs as determined by the department during all hours of operation;

F. The operator shall control surface water and site discharges to comply with K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the stormwater pollution prevention manual. For the life of the ((mineral resource)) operation and until site reclamation is complete, the operator shall maintain a valid Washington state Department of Ecology National Pollutant Discharge Elimination System individual permit or maintain coverage under the sand and gravel general permit. The operator shall keep onsite and available for department review copies of the erosion and sediment control plan, the applicable National Pollution Discharge Elimination System individual or general permit and the Stormwater Pollution Prevention Plan. The operator shall make the plans and permit available for public inspection upon request. The operator shall provide to the department copies of the monitoring results on permit monitoring data submittal dates. The department shall make the monitoring results available for public inspection. If the department determines that National Pollution Discharge Elimination System monitoring frequency or type is not adequate to meet the demands of the site and the requirements of this subsection, the department may require more frequent and detailed monitoring and may require a program designed to bring the site into compliance;

G. The operator shall not excavate below the contours determined through hydrologic studies necessary to protect groundwater and the upper surface of the saturated groundwater that could be used for potable water supply;

H. If contamination of surface or ground water by herbicides is possible, to the maximum extent practicable, mechanical means shall be used to control noxious weeds on the site;

I. Upon depletion of ((~~mineral~~)) resources or abandonment of the site, the operator shall remove all structures, equipment and appurtenances accessory to operations; and

J. If the operator fails to comply with this section, the department shall require modifications to operations, procedures or equipment until compliance is demonstrated to the satisfaction of the department. If the modifications are inconsistent with the approved permit conditions, the department shall revise the permit accordingly.

SECTION 59. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081 are hereby amended to read as follows:

A. A valid clearing and grading permit shall be maintained on a mineral extraction or coal mine site until the reclamation of the site required under chapter 78.44 RCW is completed.

B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be submitted before the effective date of a zone reclassification in Mineral-zoned properties or the acceptance of any development proposal for a subsequent use in Forest-zoned properties. The zone reclassification shall grant potential zoning that is only to be actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of

all requirements of the reclamation plan. Development proposals in the Forest zone for uses subsequent to mineral extraction or coal mine operations shall not be approved until demonstration of successful completion of all requirements of the reclamation plan except that forestry activities may be permitted on portions of the site already fully reclaimed.

C. Mineral extraction and coal mine operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following requirements:

1. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director;

2. Final grades shall:

a. be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential ((zone)) zoning classification; and

b. result in drainage patterns that reestablish natural conditions of water velocity, volume, and turbidity within six months of reclamation and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not possible or where necessary to control erosion. All constructed drainage systems shall be designed consistent with the Surface Water Design Manual;

3. All areas subject to grading or backfilling shall:

\_\_\_\_\_ a. incorporate only nonnoxious, nonflammable, noncombustible and  
nunputrescible solids; and

\_\_\_\_\_ b. except for roads and areas incorporated into drainage facilities, be surfaced  
with soil of a quality at least equal to the topsoil of the land areas immediately  
surrounding, and to a depth of the topsoil of land area immediately surrounding six  
inches, whichever is greater. The topsoil layer shall have an organic matter content of  
eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original  
undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be  
tilled or scarified before topsoil placement;

\_\_\_\_\_ 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both  
profile and plan view and blend with adjacent topography to a reasonable extent;

\_\_\_\_\_ 5. Where excavation has penetrated the seasonal or permanent water table  
creating a water body or wetland:

\_\_\_\_\_ a. All side slopes below the permanent water table and banks shall be graded  
or shaped as to not constitute a safety hazard;

\_\_\_\_\_ b. Natural features and plantings to provide beneficial wetland functions and  
promote wildlife habitat shall be provided; and

\_\_\_\_\_ c. Appropriate drainage controls shall be provided to stabilize the water level  
and not create potential flooding hazards;

\_\_\_\_\_ 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,  
shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the  
surrounding area and appropriate for the soil, moisture and exposure conditions;

7. Waste or soil piles shall be used for grading, backfilling or surfacing if permissible under this section, then covered with topsoil and planted in accordance with subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill in accordance with this chapter or as top soil in accordance with subsection C.3. of this section shall be removed from the site; and

8. Where excavation has exposed natural materials that may create polluting conditions, including, but not limited to, acid-forming coals and metalliferous rock or soil, such conditions shall be addressed to the satisfaction of the department. The final ground surface shall be graded so that surface water drains away from any such materials remaining on the site.

D. The department may modify any requirement of this section when not applicable or if it conflicts with an approved subsequent use for the site.

SECTION 60. Ordinance 15032, Section 34, and K.C.C. 21A.22.085 are hereby amended to read as follows:

The applicant shall mitigate adverse impacts resulting from the ((~~extraction or processing operations~~)) use regulated under this chapter and monitor to demonstrate compliance with this chapter.

SECTION 61. Sections 62 and 63 of this ordinance should constitute a new chapter in K.C.C. Title 21A.

NEW SECTION. SECTION 62. Within the sea level rise risk area the following standards apply:

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



development standards in this title, K.C.C. Title 16, the Federal Emergency Management Agency Coastal Construction Manual and other applicable requirements, and in a manner that provides the following, at a minimum:

1. The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the sea level rise protection elevation;

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

3. All utilities that service the building are elevated to or above the flood protection elevation.

B. A registered professional engineer licensed by the state of Washington shall prepare the structural design, specifications and plans for the building, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsection A. of this section, including applicable floodplain development standards in this title, K.C.C. Title 16, the Federal Emergency Management Agency Coastal Construction Manual and other applicable requirements;

C. The applicant shall provide a complete Federal Emergency Management Agency elevation certificate on the most current version of the form completed by a land surveyor licensed by the state of Washington documenting the elevation of the bottom of

the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved buildings and additions affixed to the side of a building, and whether or not the buildings contain a basement. The department shall maintain the Federal Emergency Management Agency elevation certificates required by this section for public inspection and for certification under the National Flood Insurance Program;

D. All new buildings and substantial improvements to existing buildings shall maintain the space below the lowest floor free of obstruction. Breakaway walls are prohibited. The space can include nonsupporting open wood lattice-work or insect screening that is intended to collapse under wind and wave loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. The space below the lowest floor can be used only for parking of vehicles, building access or storage of items readily removable in the event of a flood warning. The space shall not be used for human habitation;

E. Fill for structural support of buildings is prohibited;

F. All manufactured homes to be placed or substantially improved within the sea level rise risk area shall meet the standards in subsections A. through E. of this section  
\_\_\_\_\_ ; and

G. The department shall provide notice to all applicants for new development or redevelopment located within the sea level rise risk area that the development may be impacted by sea level rise and recommend that the applicant voluntarily consider setting the development back further than required by this title to allow for future sea level rise.

NEW SECTION. SECTION 63.

A. The director may approve sea level rise risk area variances to this chapter.

B. In reviewing and evaluating sea level rise risk area variance applications, the  
director shall consider all technical evaluations and relevant factors, including, but not  
limited to:

1. The danger that materials may be swept onto other lands to the injury of  
others;
2. The danger to life and property due to coastal flooding or erosion damage;
3. The susceptibility of the proposed building or facility and its contents to flood  
damage and the effect of the damage on the individual owner;
4. The importance of the services provided by the proposed building or facility  
to the community;
5. The necessity to the building or facility of a waterfront location;
6. The availability of alternative locations for the proposed use that are not  
subject to flooding or erosion damage;
7. The potential of the proposed development to create an adverse effect on a  
federally or state-protected species or habitat;
8. The compatibility of the proposed use with existing and anticipated  
development;
9. The relationship of the proposed use to the Comprehensive Plan, shoreline  
master program and flood hazard management plan;
10. The safety of access to the property in times of flooding for ordinary and  
emergency vehicles;
11. The expected heights, velocity, duration, rate of rise, sediment transport of  
the floodwaters and effects of wave action expected at the site;~~41~~

12. The costs of providing governmental services during and after flood conditions, including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges; and

13. Current and future risks from sea level rise conditions anticipated to occur over the next fifty years.

C. The director may only approve a sea level rise risk area variance upon a determination that:

1. Failure to grant the sea level rise risk area variance would result in an exceptional hardship to the applicant;

2. The granting of a sea level rise risk area variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances; and

3. The sea level rise risk area variance is the minimum necessary, considering the flood or erosion hazard, to afford relief.

D. An applicant for sea level rise risk area variance shall be given a written notice that the approval of the sea level rise risk area 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.

E.1. An application for a sea level rise risk area variance shall be submitted in writing to the permitting division, together with any supporting documentation that

demonstrates how the proposal meets the criteria in this section.

2. An application for a sea level rise risk area variance under this section shall be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

3. Sea level rise risk area variances that allow the establishment of a use not otherwise permitted in the zone where the proposal is located shall not be permitted.

4. The variance standards in K.C.C. 21A.44.030 and the alteration exception standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk area regulations of this chapter.

5. The department shall maintain in perpetuity a record of all requests for variances, including justification for their issuance.

SECTION 64. Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are hereby amended to read as follows:

A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during review of an application for a single detached dwelling unit, the director may approve an alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated buffer, landslide hazard area and associated buffer and critical area setback as follows:

1. There is no feasible alternative to the development proposal with less adverse impact on the critical area;

2. The alteration is the minimum necessary to accommodate residential use of the property;

3. The approval does not require the modification of a critical area development standard established by this chapter;

4. The development proposal does not pose an unreasonable threat to the public

health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

5. No more than five thousand square feet or ten percent of the site, whichever is greater, are disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. For purposes of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area;

6. The applicant submits an approved rural stewardship plan or forest stewardship plan prepared in accordance with this chapter that addresses the development proposal and the proposed use of the property; and

7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

B. The applicant for the waiver of the alteration exception process shall submit any critical areas studies, alternatives analysis and other documents requested by the department following a preapplication review meeting.

C. Within fourteen calendar days after the department determines the application under this section is complete, it shall provide written mailed notice of the proposed alteration as provided in K.C.C. (~~(20.20.080.H)~~) 20.20.060.H.

D. The department shall allow twenty-one calendar days for comment before making a decision on the request under this section. The department's decision shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for the decision and, if approved, shall include any required mitigation or conditions.

3861            SECTION 4265. Ordinance 10870, Section 478, as amended, and K.C.C.  
3862 21A.24.310 are hereby amended to read as follows:

3863            The following development standards apply to development proposals and  
3864 alterations on sites containing steep slope hazard areas:

3865            A. Except as provided in subsection D. of this section, unless allowed as an  
3866 alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.  
3867 21A.24.045 are allowed within a steep slope hazard area;

3868            B. A buffer is required from all edges of the steep slope hazard area. To  
3869 eliminate or minimize the risk of property damage or injury resulting from slope  
3870 instability, landsliding or erosion caused in whole or part by the development, the  
3871 department shall determine the size of the buffer based upon a critical area report  
3872 prepared by a geotechnical engineer or geologist. The department of local services shall  
3873 adopt a public rule to implement this subsection~~B of this section~~, including  
3874 implementing the requirements for development and review of a critical area report.

3875 ~~1. Except for new structures and substantial improvements to existing structures~~  
3876 ~~on sites containing steep slope hazard areas defined in subsection B.2. of this section:~~

3877 ~~a. ((I))if a critical area report is not submitted to the department, the minimum~~  
3878 ~~buffer is fifty feet((.)); and~~

3879 ~~1. b. ((F))for building permits for single detached dwelling units only, the~~  
3880 ~~department may waive the special study requirement and authorize buffer reductions if~~  
3881 ~~the department determines that the reduction will adequately protect the proposed~~  
3882 ~~development and the critical area.~~

3883 ~~2.~~ For new structures and substantial improvements to existing structures on

sites where any portion of the steep slope hazard area extends into the coastal high hazard area or ~~the sea level rise risk area, the department shall determine the size of the buffer~~

~~based upon:~~

a. ~~((If a))~~ The critical area report ~~prepared by a geotechnical engineer or geologist that includes~~ shall include an assessment of current and future risks of sea level rise conditions anticipated to occur over the next fifty years. ~~If a critical area report is not submitted to the department, the minimum buffer is seventy-five feet; ((and)), and a recommended buffer;~~

b. If a critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet;

2. For all other development not identified in subsection B.1.:

a. If a critical area report is not submitted to the department, the minimum buffer ~~((is))~~ shall be fifty feet~~((-))~~; and

b. For building permits for single detached dwelling units only, the department may waive the special study requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the critical area; ~~((and))~~

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

D. All alterations are allowed in the following circumstance:

1. Slopes which are forty percent or steeper with a vertical elevation change of up to twenty feet if no adverse impact will result from the exemption based on King



3907 County's review of and concurrence with a soils report prepared by a geologist or  
3908 geotechnical engineer; and  
3909 2. The approved regrading of any slope which was created through previous  
3910 legal grading activities. Any slope which remains forty percent or steeper following site  
3911 development shall be subject to all requirements for steep slopes.

3912 SECTION 4366. Ordinance 15051, Section 179, as amended, and K.C.C.  
3913 21A.24.316 are hereby amended to read as follows:

3914 The following development standards apply to development proposals and  
3915 alterations on sites containing critical aquifer recharge areas:

3916 A. Except as otherwise provided in subsection H. of this section, the following  
3917 new development proposals and alterations are not allowed on a site located in a category  
3918 I critical aquifer recharge area:

- 3919 1. Transmission pipelines carrying petroleum or petroleum products;
- 3920 2. Sand and gravel, and hard rock mining unless:
  - 3921 a. the site has mineral zoning as of January 1, 2005; or
  - 3922 b. mining is a permitted use on the site and the critical aquifer recharge area  
3923 was mapped after the date a complete application for mineral extraction on the site was  
3924 filed with the department;
- 3925 3. Mining of any type below the upper surface of the saturated ground water that  
3926 could be used for potable water supply;
- 3927 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3928 5. Hydrocarbon extraction;
- 3929 6. Commercial wood treatment facilities on permeable surfaces;

3930               7. Underground storage tanks, including tanks that are exempt from the  
3931 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter  
3932 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.  
3933 Title 17;

3934               8. Above-ground storage tanks for hazardous substances, as defined in chapter  
3935 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3936 protection plan;

3937               9. Golf courses;

3938               10. Cemeteries;

3939               11. Wrecking yards;

3940               12. Landfills for hazardous waste, municipal solid waste or special waste, as  
3941 defined in K.C.C. chapter 10.04; and

3942               13. On lots smaller than one acre, an on-site septic system, unless:

3943                   a. the system is approved by the Washington state Department of Health and  
3944 has been listed by the Washington State Department of Health as meeting treatment  
3945 standard N as provided in WAC chapter 426-((172A))272A; or

3946                   b. the Seattle-King County department of public health determines that the  
3947 systems required under subsection A.13.a. of this section will not function on the site.

3948               B. Except as otherwise provided in subsection H. of this section, the following  
3949 new development proposals and alterations are not allowed on a site located in a category  
3950 II critical aquifer recharge area:

3951                   1. Mining of any type below the upper surface of the saturated ground water that  
3952 could be used for potable water supply;

3953 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;  
3954 3. Hydrocarbon extraction;  
3955 4. Commercial wood treatment facilities located on permeable surfaces;  
3956 5.a. Except for a category II critical aquifer recharge area located over an  
3957 aquifer underlying an island that is surrounded by saltwater, underground storage tanks  
3958 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the  
3959 requirements of chapter 173-360 WAC and K.C.C. Title 17; and  
3960 b. For a category II critical aquifer recharge area located over an aquifer  
3961 underlying an island that is surrounded by saltwater, underground storage tanks,  
3962 including underground storage tanks exempt from the requirements of chapter 173-360  
3963 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply  
3964 with the standards in chapter 173-360 WAC and K.C.C. Title 17;  
3965 6. Above-ground storage tanks for hazardous substances, as defined in chapter  
3966 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3967 protection plan;  
3968 7. Wrecking yards;  
3969 8. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3970 defined in K.C.C. chapter 10.04; and  
3971 9. On lots smaller than one acre, an on-site septic systems, unless:  
3972 a. the system is approved by the Washington state Department of Health and  
3973 has been listed by the Washington state Department of Health as meeting treatment  
3974 standard N as provided in WAC chapter 426-((172A))272A; or  
3975 b. the Seattle-King County department of public health determines that the

systems required under subsection B.9.a. of this section will not function on the site.

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

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

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

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

3999 decommission or remove the tank; and

4000           2. The owner of an underground storage tank in a category II critical aquifer  
4001 recharge area not located on located over an aquifer underlying ~~((an island that is~~  
4002 ~~surrounded by saltwater))~~ Vashon-Maury Island shall bring the tank into compliance with  
4003 the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly  
4004 decommission or remove the tank.

4005           E. In any critical aquifer recharge area, the property owner shall properly  
4006 decommission an abandoned well.

4007           F. On a site located in a critical aquifer recharge area within the urban growth  
4008 area, a development proposal for new residential development, including, but not limited  
4009 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management  
4010 practices included in the King County Surface Water Design Manual into the site design  
4011 in order to infiltrate stormwater runoff to the maximum extent practical.

4012           G. ~~((On an island surround by saltwater, the;))~~ For critical aquifer recharge areas  
4013 on Vashon-Maury Island:

4014           1. No new groundwater wells are permitted within a coastal high hazard area. A  
4015 rainwater catchment system may be used as an alternative water supply source for a  
4016 single family residence if the requirements of K.C.C. 13.04.070 are met;

4017           2. All new groundwater wells within a sea level rise risk area shall include a  
4018 surface seal that prevents risks of saltwater contamination caused by sea level rise  
4019 conditions anticipated to occur over the next fifty years; and

4020           3. ((†))The owner of a new well located within ((two hundred feet of the  
4021 ordinary high water mark of the marine shoreline)) the sea level rise risk area and within

a critical aquifer recharge ~~area~~) the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health. The owner shall report the results of the test to Seattle-King County department of public health and to the department of natural resources and parks. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with Seattle-King County department of public health, shall recommend appropriate measures in addition to the minimum requirements of this title to prevent saltwater intrusion.

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

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

~~J.~~ SECTION 67. Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are hereby amended to read as follows:

A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows:

4044 1. The buffers shown on the following table apply unless modified in accordance  
 4045 with subsections B., C., D. and E. of this section:

| <u>WETLAND CATEGORY<br/>AND CHARACTERISTICS</u>                          | <u>INTENSITY OF IMPACT OF ADJACENT<br/>LAND USE</u>                                           |                            |                       |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------|-----------------------|
|                                                                          | <u>HIGH IMPACT</u>                                                                            | <u>MODERATE<br/>IMPACT</u> | <u>LOW<br/>IMPACT</u> |
| <u>Category I</u>                                                        | -                                                                                             | -                          | -                     |
| <u>Wetlands of High Conservation<br/>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<br/>functions or water quality functions</u> |                            |                       |
| <u>Habitat score from 8 to 9 points<br/>(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<br/>(moderate level of function)</u> | <u>150 feet</u>                                                                               | <u>110 feet</u>            | <u>75 feet</u>        |
| <u>Category I wetlands not<br/>meeting any of the criteria<br/>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><br><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><br><u>(moderate level of function)</u>         | <u>150 feet</u> | <u>110 feet</u> | <u>75 feet</u>  |
| <u>Category II wetlands not</u><br><u>meeting any of the criteria</u><br><u>above</u>  | <u>100 feet</u> | <u>75 feet</u>  | <u>50 feet</u>  |
| <b><u>Category III</u></b>                                                             | -               | -               | -               |
| <u>Habitat score from 8 to 9 points</u><br><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><br><u>(moderate level of function)</u>         | <u>150 feet</u> | <u>110 feet</u> | <u>75 feet</u>  |
| <u>Category III wetlands not</u><br><u>meeting any of the criteria</u><br><u>above</u> | <u>80 feet</u>  | <u>60 feet</u>  | <u>40 feet</u>  |
| <b><u>Category IV</u></b>                                                              | <u>50 feet</u>  | <u>40 feet</u>  | <u>25 feet</u>  |

2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:

a. High impact includes:

(1) sites zoned commercial or industrial;



(2) commercial, institutional or industrial use on a site regardless of the zoning ((designation)) classification;

(3) nonresidential use on a site zoned for residential use;

(4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ball fields and similar use;

(5) all sites within the Urban Growth Area; or

(6) Residential zoning greater than one dwelling unit per acre;

b. Moderate impact includes:

(1) residential uses on sites zoned residential one dwelling unit per acre or less;

(2) residential use on a site zoned rural area, agriculture or forestry;

(3) agricultural uses without an approved farm management plan;

(4) utility corridors or right-of-way shared by several utilities, including maintenance roads; or

(5) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging and similar use; and

c. Low impact includes:

(1) forestry use on a site regardless of zoning ((designation)) classification;

(2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, on a site regardless of zoning;

(3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C. 21A.24.045.D.54.; or

(4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. The department may approve a modification of the minimum buffer width required by this section by averaging the buffer width if:

1. The department determines that:

a. the buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area; or

b. averaging includes the corridors of a wetland complex; and

2. The resulting buffer meets the following standards ~~apply to groundwater wells in:~~

a. the total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging;

b. the additional buffer is contiguous with the standard buffer;

c. the buffer at its narrowest point is never less than either seventy-five percent of the required width or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater;

d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by a critical ~~aquifer recharge areas on Vashon-Maury Island~~; area(s) report from a qualified wetland professional; and

~~1. No new groundwater wells are permitted within a coastal high~~ e. the buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of

the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical area((s)) report from a qualified wetland professional.

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.6. of this section and the buffer averaging rules in subsection B. of this section;

2. For a wetland buffer that includes a steep slope hazard area. ~~A rainwater catchment system may be used~~ or landslide hazard area, the buffer width is the greater of the buffer width required by the wetland's category in this section or the top of the hazard area;

3. For a wetland complex located outside the Urban Growth Area established by the King County Comprehensive Plan or located within the Urban Growth Area in a basin designated as an alternative water supply source "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer width is determined as follows:

a. the buffer width for ~~a single family residence~~ each individual wetland in the complex is the same width as the buffer width required for the category of wetland;

b. if the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:

(1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower category wetlands; and

(4) the corridor width is a least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

(5) shorter corridors are preferred over longer corridors;

c. wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;

d. the department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding; and

e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements of K.C.C. 13.04.070 as wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement through the corridor;

4141 4. Where a legally established roadway transects a wetland buffer, the department  
4142 may approve a modification of the minimum required buffer width to the edge of the  
4143 roadway if the part of the buffer on the other side of the roadway sought to be reduced:

4144 a. does not provide additional protection of the proposed development or the  
4145 wetland; and

4146 b. provides insignificant biological, geological or hydrological buffer functions  
4147 relating to the other portion of the buffer adjacent to the wetland;

4148 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the  
4149 buffer widths shall be established under the rural stewardship plan and shall not exceed the  
4150 standard for a low impact land use, unless the department determines that a larger buffer is  
4151 necessary to achieve no net loss of wetland ecological function; and

4152 6. The buffer widths required for proposed land uses with high intensity impacts  
4153 to wetlands can be reduced to those required for moderate intensity impacts under the  
4154 following conditions:

4155 a. For wetlands that score moderate or high for habitat, which means six points  
4156 or higher, the width of the buffer can be reduced if both of the following criteria are met:

4157 ~~2. All new groundwater wells within the sea level rise risk area shall include a~~  
4158 ~~surface seal that prevents risks of saltwater contamination caused by sea level rise~~  
4159 ~~conditions anticipated to occur over the next fifty years.~~

4160 (1) A relatively undisturbed vegetated corridor at least one-hundred feet wide  
4161 is protected between the wetland and any other Priority Habitats as defined by the  
4162 Washington state Department of Fish and Wildlife in the priority habitat and species list.  
4163 The corridor must be protected for the entire distance between the wetland and the

priority habitat and legally recorded via a conservation easement; and

(2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and

b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying 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 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</u>                                                                                                                                       |

|                                   |                                                                                                                                                                                                                                                       |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | <u>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>                                                                                                                                                                                                 |

D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions.

SECTION 4468. Ordinance 3688, Section 303, as amended, and K.C.C. 21A.25.050 are hereby amended to read as follows:

A. The requirements of the shoreline master program apply to all uses and development occurring within the shoreline jurisdiction. The King County shoreline jurisdiction consists of ~~(=~~ shorelines, shorelines of statewide significance, and shorelands as defined in RCW 90.58.030 and K.C.C. chapter 21A.06, and the one-hundred-year floodplain.

~~1. All water areas of the state, as defined in RCW 90.58.030, including reservoirs and associated wetlands, together with the lands underlying them, except for:~~

~~a. lakes smaller than twenty acres and their associated wetlands; and~~  
~~b. segments of rivers and streams and their associated wetlands where the~~  
~~mean annual flow is less than twenty cubic feet per second; and~~  
~~2.a. The shorelands that extend landward in all directions as measured on a~~  
~~horizontal plane for two hundred feet from the ordinary high water mark of the~~  
~~waterbodies identified in subsection A.1. of this section;~~  
~~b. the one hundred year floodplain and contiguous floodplain areas landward two~~  
~~hundred feet from the one hundred year floodplain; and~~  
~~c. all wetlands and river deltas associated with the streams, lakes and tidal~~  
~~waters that are subject to chapter 90.58 RCW)) shorelines, shorelines of statewide~~  
~~significance, and shorelines as defined in RCW 90.58.030 and K.C.C. chapter 21A.06~~  
~~and the one hundred year floodplain.~~

B. The shoreline jurisdiction does not include tribal reservation lands and lands held in trust by the federal government for tribes. Nothing in the King County ~~((S))~~shoreline ~~((M))~~master ~~((P))~~program or action taken under that program shall affect any treaty right to which the United States is a party.

C. The lakes and segments of rivers and streams constituting the King County shoreline jurisdiction are set forth in Attachment ~~((K((--)))~~ H to ~~((Ordinance 17485 and as amended by))~~ this ordinance. The King County shoreline jurisdiction is shown on a map adopted in chapter ~~((5))~~6 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in subsection A. of this section, the criteria shall constitute the official King County shoreline jurisdiction. The county shall update the shoreline master program to reflect the new designation within three



years of the discovery of the discrepancy.

SECTION 4569. Ordinance ~~3688~~10870, Section ~~413~~539, as amended, and K.C.C. 21A.~~25.170~~32.020 are hereby amended to read as follows:

A. ((With the exception of)) This chapter shall apply to all nonconformances, except:

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

1. ((n))Nonconforming ((extractive)) operations ((identified in)) regulated by K.C.C. chapter 21A.22((, all nonconformances shall be ~~—B. Structural shoreline stabilization may be permitted subject to the standards in provisions of this chapter))~~; and as follows:

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

~~———— 2. The erosion is not caused by upland conditions;~~  
~~Fossil fuel facilities regulated — 3. The proposed structural shoreline protection will~~  
~~provide greater protection than feasible, nonstructural alternatives such as slope drainage~~  
~~systems, vegetative growth stabilization, gravel berms and beach nourishment;~~  
~~===== 4. The proposal is the minimum necessary to protect existing legally established~~  
~~primary structures, new or existing non-water dependent development, new or existing~~  
~~water dependent development or projects restoring ecological functions or remediating~~  
~~hazardous substance discharges; and~~  
~~===== 5. Adequate mitigation measures will be provided to maintain existing shoreline~~  
~~processes and critical fish and wildlife habitat and ensure no net loss or function of~~  
~~intertidal or riparian habitat.~~

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

~~———— D. The maximum height of the proposed shoreline stabilization shall be~~  
~~no more than one foot above the elevation of extreme high water on tidal waters, as~~  
~~determined by the National Ocean Survey published by the National Oceanic and~~  
~~Atmospheric Administration, or four feet in height on lakes K.C.C. 21A.08.100.~~

~~\_\_\_\_\_ E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater habitat, unless a geotechnical report demonstrates an imminent danger to a legally established structure or public improvement. If allowed, shoreline stabilization along feeder bluffs and critical saltwater habitat must be designed to have the least impact on these resources and on sediment conveyance systems.~~

~~\_\_\_\_\_ F. Shoreline stabilization shall minimize the adverse impact on the \_\_\_\_\_ B.~~

~~This chapter does not supersede or relieve a property owner from compliance with((:~~

~~\_\_\_\_\_ 1. The International Building and Fire Codes; or~~

~~\_\_\_\_\_ 2. The provisions of othersthis code beyond the specific nonconformance~~

~~addressed by this chapter)) local, state and federal regulations and laws that apply to the maximum extent practicalproperty and structures and uses thereon.~~

~~\_\_\_\_\_ G. Shoreline stabilization shall not be used to create new lands.~~

~~\_\_\_\_\_ H. Shoreline stabilization shall not interfere with surface or subsurface drainage into the water body.~~

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

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

~~\_\_\_\_\_ K. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.~~

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

~~shoreline.~~

~~—— M. The department shall provide a notice to an applicant for new development or redevelopment located within the shoreline jurisdiction on Vashon and Maury Island or the sea level rise risk area that the development may be impacted by sea level rise and recommend that the applicant voluntarily consider setting the development back further than required by this title to allow for future sea level rise.~~

SECTION 4670. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010 are hereby amended to read as follows:

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

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

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

of each receiving site.

B. The TDR provisions in this chapter shall only apply to TDR receiving site development proposals submitted on or after September 17, 2001, and applications for approval of TDR sending sites submitted on or after September 17, 2001.

SECTION 4771. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020 are hereby amended to read as follows:

A. For the purpose of this chapter, sending site means the entire tax lot or lots qualified under ~~((subsection B. of))~~ this ~~section~~subsection. Sending sites ~~((may only be located within rural or resource lands, or urban separator areas, or areas with urban residential medium land use designations~~R-1 zoning, as designated by the King County Comprehensive Plan ~~and that meet the criteria in subsection B. of this section, and shall meet)) shall:~~

1. Contain a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest;

2. Meet at least one of the following criteria:

a. designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;

b. designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;

c. designation in the King County Comprehensive Plan as Rural Area, zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, of farm and agricultural land or of timber land;

d. designation in the King County Comprehensive Plan or a functional plan as

a proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural Resource Land open space site, through either:

(1) designation of a specific site; or

(2) identification of proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural Resource Land open space sites which meet adopted standards and criteria, and for Rural Area or Natural Resource Land open space sites, meet the definition of open space land, as defined in RCW 84.34.020;

e. identification as habitat for federally listed endangered or threatened species in a written determination by the King County department of natural resources and parks, Washington state Department of Fish and Wildlife, United States Fish and Wildlife Services or a federally recognized tribe that the sending site is appropriate for preservation or acquisition;

f. designation in the King County Comprehensive Plan as urban separator and zoned R-1; or

g.(1) designation in the King County Comprehensive Plan as urban residential medium or urban residential high;

(2) zoned R-4, R-6, R-8, R-12, R-18, R-24 or R-48; and

(3) approved for conservation futures tax funding by the King County council;

3. Consist of one or more contiguous lots that have a combined area that meets or exceeds the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located. ~~Except~~For purposes of this subsection, lots divided by a street are considered contiguous if the lots would share a common lot line if

the street was removed. This provision may be waived by the interagency committee if  
the total acreage of a rural or resource sending site application exceeds one hundred  
acres; and

4. Not be in public ownership, ((E))except:

a. as provided in K.C.C. 21A.37.110.C., ((-or-));

b. for lands zoned RA that are managed by the Washington state Department  
of Natural Resources as state grant or state forest lands ~~or lands that are managed by King~~  
County for purposes of residential or commercial development, ((-land in public

~~ownership may not be sending sites. If the sending site consists of more than one tax lot,~~  
~~the lots must be contiguous and the area of the combined lots must meet the minimum lot~~  
~~area for construction requirements in K.C.C. 21A.12.100 for the zone in which the~~  
~~sending site is located. For purposes of this section, lots divided by a street are~~  
~~considered contiguous if the lots would share a common lot line if the street was~~  
~~removed; this provision may be waived by the interagency committee if the total acreage~~  
~~of a rural or resource sending site application exceeds one hundred acres. A sending site~~  
~~shall be maintained in a condition that is consistent with the criteria in this section under~~  
~~which the sending was qualified.~~

~~B. Qualification of a sending site shall demonstrate that the site contains a public~~  
~~benefit such that preservation of that benefit by transferring residential development~~  
~~rights to another site is in the public interest. A sending site must meet at least one of the~~  
~~following criteria:~~

~~1. Designation in the King County Comprehensive Plan or a functional plan as~~  
~~an agricultural production district or zoned A;~~

2. Designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;

3. Designation in the King ~~((Count))~~ County Comprehensive Plan as ~~((rural residential))~~ Rural Area, zoned RA 2.5, RA 5 or RA 10, and meeting the definition in RCW 84.34.020 of open space, farm and agricultural land, or timber land;

4. Designation in the King County Comprehensive Plan, or a functional plan as a proposed ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource ~~((resource area))~~ Land regional trail or ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource ~~((resource area))~~ Land open space site, through either:

a. designation of a specific site; or

b. identification of proposed ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource ~~((resource area))~~ Land regional trail or ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource ~~((resource area))~~ Land open space sites which meet adopted standards and criteria, and for ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource ~~((resource area))~~ Land open space sites, meet the definition of open space land, as defined in RCW 84.34.020;

5. Identification as habitat for federal listed endangered or threatened species in a written determination by the King County department of natural resources and parks, Washington state Department of Fish and Wildlife, United States Fish and Wildlife Services or a federally recognized tribe that the sending site is appropriate for preservation or acquisition; ~~((or))~~

6. Designation in the King County Comprehensive Plan as urban separator and zoned R-1;); or

~~7. Designation in the King County Comprehensive Plan as urban residential~~



~~medium and located in an equity area identified by the county per King County Code Chapter 26.12 that is approved for Conservation Futures Tax funding and zoned R-4, R-6, R-8, or R-12.~~

~~\_\_\_\_\_ c. for lands that are managed by King County for purposes of residential or commercial development.~~

~~\_\_\_\_\_ ((C.)) B.~~ For the purposes of the TDR program, acquisition means obtaining fee simple rights in real property,~~((.))~~ or a ~~((less than a fee simple))~~ property right in a form that preserves in perpetuity the public benefit supporting the designation or qualification of the property as a sending site. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.

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

~~\_\_\_\_\_ ((E.)) D.~~ For lots on which the entire lot or a portion of the lot has been cleared or graded in accordance with a Class II, III or IV special forest practice as defined in chapter 76.09 RCW within the six years ~~((prior to))~~ before application as a TDR sending site, the applicant must provide an affidavit of compliance with the reforestation requirements of the Forest Practices Act, and any additional reforestation conditions of their forest practice permit. Lots on which the entire lot or a portion of the lot has been cleared or

graded without any required forest practices or county authorization, shall be not qualified or certified as a TDR sending site for six years unless the six-year moratorium on development applications has been lifted or waived or the landowner has a reforestation plan approved by the Washington state Department of Natural Resources and King County.

SECTION 4872. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040 are hereby amended to read as follows:

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

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

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

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

4438 a. by the King County department of assessments records; or  
4439 b. by a survey funded by the applicant that has been prepared and stamped by a  
4440 surveyor licensed in the state of Washington; and

4441 2. If the sending site consists of a lot that is divided by a zoning boundary, the  
4442 square footage or acreage shall be calculated separately for each zoning classification.  
4443 The square footage or acreage within each zoning classification shall be determined by  
4444 the King County record of the action that established the zoning and property lines, such  
4445 as an approved lot line adjustment. When such records are not available or are not  
4446 adequate to determine the square footage or acreage within each zoning classification, the  
4447 department of local services, permitting division, shall calculate the square footage or  
4448 acreage through the geographic information system (GIS) mapping system.

4449 D. For the purposes of the transfer of development rights (TDR) program only,  
4450 the following TDR sending site base densities apply:

4451 1. Sending sites designated in the King County Comprehensive Plan as urban  
4452 separator and zoned R-1 shall have a base density of four dwelling units per acre;

4453 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two  
4454 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25  
4455 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25  
4456 acres;

4457 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling  
4458 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and  
4459 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated  
4460 ((one)) one additional TDR for each vacant lot that is smaller than two and one-half acres

4461 or five acres, respectively;

4462 4. Sending sites zoned RA and that have a designation under the King County  
4463 Shoreline Master Program of conservancy or natural shall be allocated one additional  
4464 TDR;

4465 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling  
4466 unit per five acres for transfer purposes only;

4467 6. Sending sites zoned F within the forest production district shall have a base  
4468 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is  
4469 between fifteen and eighty acres in size; or

4470 7. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.  
4471 21A.37.020.B.7A.2.g. shall be allocated TDRs that are equivalent to the zoning base  
4472 density established in K.C.C. 21A.12.030 for every one acre of gross land area.

4473 E. A sending site zoned RA, A or F may send one development right for every  
4474 legal lot larger than five thousand square feet that was created on or before September 17,  
4475 2001, if that number is greater than the number of development rights determined under  
4476 subsection A. of this section. A sending site zoned R-1 may send one development right  
4477 for every legal lot larger than two thousand five hundred square feet that was created on  
4478 or before September 17, 2001, if that number is greater than the number of development  
4479 rights determined under subsection A. of this section.

4480 F. The number of development rights that a King County unincorporated rural or  
4481 natural resources land sending site is eligible to send to a King County incorporated  
4482 urban area receiving site shall be determined through the application of a conversion ratio  
4483 established by King County and the incorporated municipal jurisdiction. The conversion

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

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

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

I. Each residential transferable development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential transferable development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density. Each residential transferable development right that originates from a sending site in urban unincorporated area lands meeting the criteria in K.C.C. 21A.37.020.B-7A.2.g. shall be designated "Urban" and is equivalent to one additional unit above the base density.

SECTION 4973. Ordinance 13274, Section 7, as amended, and K.C.C.

4507 21A.37.070 are hereby amended to read as follows:

4508           A. An interagency review committee, chaired by the department of local services  
4509 permitting division manager and the director of the department of natural resources and  
4510 parks, or designees, shall be responsible for qualification of sending sites.

4511 Determinations on sending site certifications made by the committee are appealable to the  
4512 examiner under K.C.C. 20.22.040. The department of natural resources and parks shall  
4513 be responsible for preparing a TDR qualification report, which shall be signed by the  
4514 director of the department of natural resources and parks or designee, documenting the  
4515 review and decision of the committee. The qualification report shall:

4516           1. Specify all deficiencies of an application, if the decision of the committee is  
4517 to disqualify the application;

4518           2. For all qualifying applications, provide a determination as to whether or not  
4519 additional residential dwelling units and associated accessory units may be  
4520 accommodated in accordance with K.C.C. 21A.37.050.A.; and

4521           3. Be issued a TDR certification letter within sixty days of the date of submittal  
4522 of a completed sending site certification application.

4523           B. Responsibility for preparing a completed application rests exclusively with the  
4524 applicant. Application for sending site certification shall include:

4525           1. A legal description of the site;

4526           2. A title report;

4527           3. A brief description of the site resources and public benefit to be preserved;

4528           4. A site plan showing the existing and proposed dwelling units, nonresidential  
4529 structures, driveways, submerged lands and any area already subject to a conservation

4530 easement or other similar encumbrance;

4531 5. Assessors map or maps of the lot or lots;

4532 6. A statement of intent indicating whether the property ownership, after TDR

4533 certification, will be retained in private ownership or dedicated to King County or another

4534 public or private nonprofit agency;

4535 7. Any or all of the following written in conformance with criteria established

4536 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as

4537 habitat for a threatened or endangered species:

4538 a. a wildlife habitat conservation plan;

4539 b. a wildlife habitat restoration plan; or

4540 c. a wildlife present conditions report;

4541 8. If the site qualifies as an urban unincorporated area sending site meeting the

4542 criteria in K.C.C. 21A.37.020.B.7.A.2.g.;

4543 ~~—— a. demonstration that the site is located in an equity area as defined in K.C.C.~~

4544 ~~26.12.003; and~~

4545 ~~—— b. confirmation of Conservation Futures Tax award;~~

4546 9. A forest stewardship plan, written in conformance with criteria established

4547 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.

4548 21A.37.060.B.3. and 6.;

4549 ((9.)) 10. An affidavit of compliance with the reforestation requirements of the

4550 Forest Practices Act and any additional reforestation conditions of the forest practices

4551 permit for the site, if required under K.C.C. 21A.37.020.~~((E))D.~~;

4552 ((10.)) 11. A completed density calculation worksheet for estimating the number

of available development rights; and

~~((H-))~~ 12. The application fee consistent with K.C.C. ~~((27.36.020))~~ 27.10.170.

SECTION ~~5074~~. Ordinance 13733, Section 8, as amended, and K.C.C.

21A.37.100 are hereby amended to read as follows:

\_\_\_\_\_ The purpose of the TDR bank is to assist in the implementation of the transfer of development rights (TDR) program by bridging the time gap between willing sellers and buyers of development rights by purchasing and selling development rights, purchasing conservation easements, and facilitating interlocal TDR agreements with cities in King County through the provision of amenity funds. The TDR bank may acquire development rights and conservation easements only from sending sites located in the rural area or in an agricultural or forest ~~((production district as designated))~~ land use designation in the King County Comprehensive Plan, or in the urban unincorporated area only from sites meeting the criteria in K.C.C. 21A.37.020.B.7A.2.g. Development rights purchased from the TDR bank may only be used for receiving sites in cities or in the urban unincorporated area as designated in the King County Comprehensive Plan.

SECTION ~~5475~~. Ordinance 13733, Section 10, as amended, and K.C.C.

21A.37.110 are hereby amended to read as follows:

A. The TDR bank may purchase development rights from qualified sending sites at prices not to exceed fair market value and to sell development rights at prices not less than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may accept donations of development rights from qualified TDR sending sites.

B. The TDR bank may purchase a conservation easement only if the property subject to the conservation easement is qualified as a sending site as evidenced by a TDR



qualification report, the conservation easement restricts development of the sending site in the manner required by K.C.C. 21A.37.060 and the development rights generated by encumbering the sending site with the conservation easement are issued to the TDR bank at no additional cost.

C. Any development rights, generated by encumbering property with a conservation easement, may be issued to the TDR bank if:

1.a. The conservation easement is acquired through a county park, open space, trail, agricultural, forestry or other natural resource acquisition program for a property that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

b. the property is acquired by the county with the intent of conveying the property encumbered by a reserved conservation easement. The number of development rights generated by this reserved conservation easement shall be determined by the TDR qualification report; and

2. Under either subsection C.1.a. or b. of this section, there will be no additional cost to the county for acquiring the development rights.

D. The TDR bank may use funds to facilitate development rights transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDR receiving sites, procuring title reports and appraisals and reimbursing the costs incurred by the department of natural resources and parks, water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

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

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

SECTION 76. Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130 are hereby amended to read as follows:

A. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights, unless the development rights are to be used to provide units over one hundred fifty percent of base density in accordance with K.C.C. 21A.12.030.B.27.b., in which case the development rights shall be sold at the administrative cost incurred by the county or fifteen percent of the fair market value of the development rights, whichever is less. The fair market value of the development rights shall be established by the department of natural resources and shall be based on the amount the county paid for the development rights and the prevailing market conditions.

B. When selling development rights, the TDR bank may select prospective purchasers based on the price offered for the development rights, the number of

development rights offered to be purchased, and the potential for the sale to achieve the purposes of the TDR program.

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

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

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

SECTION 77. Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040 are hereby amended to read as follows:

Special district overlays shall be ~~((designated))~~ classified on the official ~~((area))~~ zoning map~~((s))~~ and as a notation in the department's electronic parcel record, as follows:

\_\_\_\_\_ A. A special district overlay shall be ~~((designated))~~ classified through the area  
zoning process as provided in K.C.C. chapters 20.12 and 20.18. ~~((Designation))~~  
Classification of an overlay district shall include policies that prescribe the purposes and  
location of the overlay;

\_\_\_\_\_ B. A special district overlay shall be applied to land through an area zoning  
process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the  
zoning map and as a notation in the department's electronic parcel record and shall be  
designated in Appendix B of Ordinance 12824 as maintained by the department of local  
services, permitting division, with the suffix "-SO" following the map symbol of the  
underlying zone or zones;

\_\_\_\_\_ C. The special district overlays in this chapter are the only overlays authorized by  
the code. New or amended overlays to carry out new or different goals or policies shall  
be adopted as part of this chapter and be available for use in all appropriate community,  
subarea or neighborhood planning areas;

\_\_\_\_\_ D. The special district overlays in this chapter may waive, modify and substitute  
for the range of permitted uses and development standards established by this title for any  
use or underlying zone;

\_\_\_\_\_ E. Unless they are specifically modified by this chapter, the standard  
requirements of this title and other county ordinances and regulations govern all  
development and land uses within special district overlays;

\_\_\_\_\_ F. A special district overlay on an individual site may be modified by property-  
specific development standards as provided in K.C.C. 21A.38.030;

\_\_\_\_\_ G. A special district overlay may not be deleted by a zone reclassification; and

H. Special district overlay development standards may be modified or waived through the consideration of a variance, subject to the variance criteria in K.C.C. 21A.44.030.

SECTION 78. Ordinance 10870, Section 578, as amended, and K.C.C. 21A.38.050 are hereby amended to read as follows:

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

B. Permitted uses shall be those uses permitted in the underlying zone, excluding the following:

1. Motor vehicle, boat and mobile home dealer;
2. Gasoline service station;
3. ~~((Drive-through retail and service uses))~~ Uses with drive-through facilities, except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;
4. ~~((Car washes;))~~ SIC Industry Group 598 (Fuel dealers);
5. ~~((Retail and service uses))~~ Uses with outside storage, e.g. lumber yards, miscellaneous equipment rental or machinery sales;
6. ~~((Wholesale uses))~~ Bulk retail;
7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks, sports clubs, theaters, libraries and museums;

4687 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521  
4688 (automobile parking; but excluding tow-in parking lots);

4689 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,  
4690 clock and jewelry repair);

4691 10. SIC Major Group 78 (Motion pictures); ~~(((except 7832 (theater) and 7841~~  
4692 ~~(video tape rental);)))~~;

4693 11. SIC Major Group 80 (Health services), except offices and outpatient clinics  
4694 (801-804);

4695 12. SIC Industry Group 421 (Trucking and courier service);

4696 13. Public agency ~~archives; archive((s))~~;

4697 14. Self-service storage;

4698 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC  
4699 Industry Code 2759 (Commercial printing); ~~((and))~~

4700 16. Resource land uses as set forth in K.C.C. 21A.08.090;

4701 17. SIC Industry Code 7261 (Funeral home/crematory);

4702 18. Cemetery, columbarium or mausoleum;

4703 19. Interim recycling facility;

4704 20. Utility facility, except underground water, gas or wastewater pipelines; and  
4705 21. Vector waste receiving facility; and.

4706 ~~22. SIC Industry Group 598 (Fuel dealers).~~

4707 C. The following development standards shall apply to ~~((uses))~~ development  
4708 located in pedestrian-oriented commercial overlay districts:

4709 1. ~~((Every use shall be subject to pedestrian-oriented use limitations and street~~

~~facade development standards (e.g. placement and orientation of buildings with respect to streets and sidewalks, arcades or marquees) identified and adopted through an applicable community, subarea or, neighborhood plan, or the area zoning process;~~

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

a. main building entrances shall be oriented to the ~~((pedestrian))~~ public street;

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

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

d. minimum ~~((side))~~ interior setbacks of the underlying zoning are waived;

e. building facades ~~((of ground floor retail, general business service, and professional office land uses))~~ that front onto a ~~((pedestrian))~~ street ~~((or route))~~ shall ~~((include))~~ incorporate windows into at least thirty percent of the building facade surface area and overhead protection above all building entrances and along at least fifty percent of length of the building facade, which may extend over the sidewalk if it does not

impede use of the sidewalk by the public;

f. ground floor building facades ~~((along a pedestrian street or route,))~~<sub>2</sub> that are ~~without ornamentation or are~~<sub>))</sub> shall include ornamentation such as decorative architectural treatments or finishes, pedestrian scale lighting, and window and door trim; and

g. buildings facades shall not be comprised of uninterrupted glass curtain walls or mirrored glass ~~((are not permitted;))~~<sub>);</sub> ~~((and))~~

~~((g.))~~ 2. vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists~~((;))~~<sub>;</sub>

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

4. Building setback and height requirements may be waived through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of the perimeter of any special district overlay area abutting an R-12 or lower density residential zone;

5. The landscaping requirements of K.C.C. chapter 21A.16 ~~((may be waived if landscaping conforms to a special district overlay landscaping plan adopted as part of the area zoning. The overlay district landscaping plan shall include features addressing street trees, and other design amenities (e.g. landscaped plazas or parks)))~~ shall apply to all new development and to buildings existing before the effective date of this section of this ordinance that have substantial improvements made to them after the effective date of this section of this ordinance; and



6. ~~((On designated pedestrian streets, sidewalk width requirements shall be increased to a range of ten to twelve feet wide including sidewalk landscaping and other amenities. The sidewalk widths exceeding the amount required in the King County Road Standards may occur on private property adjoining the public street right of way; and~~

7.)) Off-street parking requirements K.C.C. 21A.18.110 ~~((are modified as follows for all nonresidential uses:~~

a. ~~No less than one space for every 1000 square feet of floor area shall be provided;~~

b. ~~No more than seventy-five percent of parking shall be on-site surface parking. Such parking shall be placed in the interior of the lot, or at the rear of the building it serves; and~~

c. ~~At least twenty-five percent of the required parking shall be enclosed in an on-site parking structure or located at an off-site common parking facility, provided that this requirement is waived when the applicant signs a no-protest agreement to participate in any improvement district for the future construction of such facilities))~~ shall apply, except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director shall only allow use of on-street parallel parking in front of or adjacent to the subject parcel for the parking spaces that cannot be accommodated to the rear or sides of buildings.

NEW SECTION. SECTION 5279. There is hereby added to K.C.C. chapter 21A.38 a new section to read as follows:

A. The purpose of the ~~Skyway-West Hill Neighborhood Business~~Martin Luther King Jr. Way South Mixed-Use Special District Overlay is to facilitate linkages to the

existing Martin Luther King Jr Way South Neighborhood Business Center, incentivize commercial opportunities close to existing high-density housing, incentivize commercial development by allowing more uses than traditionally found in mixed-use developments and provide flexibility in current square footage limitations.

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

1. ~~Development~~New buildings shall be limited to mixed-use as defined in K.C.C. 21A.06.753;

2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as part of a mixed-use ~~development~~building in subsection B.1. of this section; and

3. Any nonresidential component of the ~~development~~building that is personal services allowed in the ~~R-48~~ zone under K.C.C. 21A.08.050 or retail use allowed in the ~~R-48~~ zone under K.C.C. 21A.08.070 shall comply with K.C.C. 21A.12.230, except that K.C.C. 21A.12.230.A., B. and C. do not apply to the development.

SECTION 80. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260 are hereby amended to read as follows:

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

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

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

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

i. As a permitted use:

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

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

ii. As a conditional use:

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

(B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. ~~((21A.08.030))~~ 21A.08.040:

i. As a permitted use:

(A) Library;

(B) Museum; ~~((and))~~

(C) Arboretum; and

(D) Park.

ii. As a conditional use:

(A) Sports Club/Fitness Center;

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

(C) Bowling Center

4824 c. General services land uses as set forth in K.C.C. 21A.08.050:  
4825 i. As a permitted use:  
4826 (A) General Personal Services, except escort services;  
4827 (B) Funeral Home;  
4828 (C) Appliance/Equipment Repair;  
4829 (D) Medical or Dental Office/Outpatient Clinic;  
4830 (E) Medical or Dental Lab;  
4831 (F) Day Care I;  
4832 (G) Day Care II;  
4833 (H) Veterinary Clinic;  
4834 (I) Social Services;  
4835 (J) Animal Specialty Services;  
4836 (K) Artist Studios;  
4837 (L) Nursing and Personal Care Facilities;  
4838 ii. As a conditional use:  
4839 (A) Theater (Movie or Live Performance);  
4840 (B) Religious Use;  
4841 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:  
4842 i. As a permitted use:  
4843 (A) General Business Service;  
4844 (B) Professional Office: Bank, Credit Union, Insurance Office.  
4845 ii. As a conditional use:  
4846 (A) Public Agency or Utility Office;

4847 (B) Police Substation;  
4848 (C) Fire Station;  
4849 (D) Utility Facility;  
4850 (E) Self Service Storage;  
4851 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:  
4852 i. As a permitted use on the ground floor:  
4853 (A) Food Store;  
4854 (B) Drug Store/Pharmacy;  
4855 (C) Retail Store: includes florist, book store, apparel and accessories store,  
4856 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video  
4857 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,  
4858 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-  
4859 only retail);  
4860 (D) Eating and Drinking Places, including coffee shops and bakeries;  
4861 (E) Remote tasting rooms.  
4862 ii. As a conditional use:  
4863 (A) Liquor Store or Retail Store Selling Alcohol;  
4864 (B) Hardware/Building Supply Store;  
4865 (C) Nursery/Garden Center;  
4866 (D) Department Store;  
4867 (E) Auto Dealers (indoor sales rooms only);  
4868 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.  
4869 g. Resource land uses as set forth in K.C.C. 21A.08.090:

i. As a permitted use:

(A) Solar photovoltaic/solar thermal energy systems;

(B) Private storm water management facilities;

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

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

ii. As a conditional use: Wind Turbines

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

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

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

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

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

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

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

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

NEW SECTION. SECTION 5381. There is hereby added to K.C.C. chapter 21A.38 a new section to read as follows:

A. The purpose of the Bear Creek office and retail special district overlay is to provide additional commercial opportunities to support area residents and the local economy and to provide retail options for employees of the office zones.

B. Allowed uses within the special district overlay shall be those uses allowed in the office zone in K.C.C. chapter 21A.08 and the following permitted ~~retail~~-land uses:

1. Building materials and hardware stores;
2. Retail nursery, garden center and farm supply stores;
3. Department and variety stores;
4. SIC Major Group 54 - Food stores;
5. SIC Industry Group 553 - Auto supply stores;
6. SIC Industry Group 554 - Gasoline service stations;
7. SIC Major Group 56 - Apparel and accessory stores;
8. Furniture and home furnishings stores;
9. SIC Major Group 58 - Eating and drinking places;
10. Drug store;
11. SIC Industry Group 592 - Liquor stores;
12. SIC Industry Group 593 - Used goods: antiques/secondhand shops;
13. Sporting goods and related stores;
14. Book, stationary, video and art supply stores, except adult use facilities;

4916 15. Jewelry stores;  
4917 16. Hobby, toy and games shops;  
4918 17. Photographic and electronic shops;  
4919 18. Fabric shops;  
4920 19. Florist shops;  
4921 20. Personal medical supply stores; ~~and~~  
4922 21. Pet shops; ~~and~~  
4923 ~~NEW~~ 22. General services – Daycare II.  
4924 ~~SECTION 54. There is hereby added to 82. Ordinance 12627,~~  
4925 ~~Section 1, and K.C.C. chapter 21A.42 a new section 55.010 are hereby amended~~ to read  
4926 as follows:  
4927 ~~((Purpose:)) The purpose of this section is to provide for "demonstration~~  
4928 ~~projects" as a mechanism to test and evaluate alternative development standards and~~  
4929 ~~processes ((prior to)) before amending King County policies and regulations. Alternative~~  
4930 ~~development standards might include standards affecting building and/or site design~~  
4931 ~~requirements. Alternative processes might include permit review prioritization,~~  
4932 ~~alternative review and revision scheduling, or staff and peer review practices. All~~  
4933 ~~demonstration projects shall have broad public benefit through the testing of new~~  
4934 ~~development regulations and shall not be used solely to benefit individual property~~  
4935 ~~owners seeking relief from King County development standards. A demonstration~~  
4936 ~~project shall be ((designated)) classified by the ((M))metropolitan King County~~  
4937 ~~((C))council. ((Designation)) Classification of each new demonstration project shall~~  
4938 ~~occur through an ordinance which amends this code and shall include provisions that~~



prescribe the purpose(~~((s))~~) or purposes and location(~~((s))~~) or locations of the demonstration project. Demonstration projects shall be located in urban areas, (~~(and/or)~~) rural areas or natural resource lands, or any combination thereof, which are deemed most suitable for the testing of the proposed alternative development regulations. Within such areas development proposals may be undertaken to test the efficacy of alternative regulations that are proposed to facilitate increased quality of development and/or increased efficiency in the development review processes.

SECTION 83. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020 are hereby amended to read as follows:

A. In establishing any demonstration project, the council shall specify the following:

1. The purpose of the demonstration project;
2. The location or locations of the demonstration project;
3. The scope of authority to modify standards and the lead agency, department or division with authority to administer the demonstration project;
4. The development standards established by this title or other titles of the King County Code that affect the development of property that are subject to administrative modifications or waivers;
5. The process through which requests for modifications or waivers are reviewed and any limitations on the type of permit or action;
6. The criteria for modification or waiver approval;
7. The effective period for the demonstration project and any limitations on extensions of the effective period;

\_\_\_\_\_ 8. The scope of the evaluation of the demonstration project and the date by which the executive shall submit an evaluation of the demonstration project; and

\_\_\_\_\_ 9. The date by which the executive shall submit an evaluation of specific alternative standards and, if applicable, proposed legislation.

\_\_\_\_\_ B. A demonstration project shall be ~~((designated))~~ classified by the ~~((M))~~metropolitan King County ~~((C))~~council through the application of a demonstration project overlay to properties in a specific area or areas. A demonstration project shall be indicated on the zoning map ~~((øø))~~ and as a notation in the geographic information system data layers maintained by the department of local services, permitting division, by the suffix "-DPA" (meaning demonstration project area) following the map symbol of the underlying zone or zones. Within a ~~((designated))~~ classified demonstration project area, approved alternative development regulations may be applied to development applications.

\_\_\_\_\_ SECTION 84. Ordinance 12627, Section 3, and K.C.C. 21A.55.030 are hereby amended to read as follows:

\_\_\_\_\_ A. The demonstration projects set forth in this chapter are the only authorized demonstration projects. New or amended demonstration projects to carry out new or different goals or policies shall be adopted as part of this chapter.

\_\_\_\_\_ B. Demonstration projects must be consistent with the King County ~~\_\_\_\_\_ A.~~  
~~The department shall conduct at five-year intervals from the issuance of the permit, a review of the permitted fossil fuel facility site design, mitigation and operating standards.~~

~~\_\_\_\_\_ B. The review is a Type 2 land use decision.~~

\_\_\_\_\_ C. The review shall ensure:

1. That the site is operating consistent with all existing permit conditions; and  
2. That the most current site design and operating standards are applied to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts.

~~D. Comprehensive Plan. ((Designation))~~ Classification of a demonstration project and its provisions to waive or modify development standards must not require nor result in amendment of the ((e))Comprehensive ((p))Plan nor the ((e))Comprehensive Plan land use map.

C. Unless they are specifically modified or waived pursuant to the provisions of this chapter, the standard requirements of this title and other county ordinances and regulations shall govern all development and land uses within a demonstration project area. Property-specific development standards (P-suffix conditions) as provided in K.C.C. chapter 21A.38 shall supersede any modifications or waivers allowed by the provisions of this chapter.

~~D. The periodic review shall demonstrate consistency with Comprehensive Plan policies.~~

Demonstration project sites should be selected so that any resulting amended development standards or processes can be applied to similar areas or developments. Similar areas could include those with similar mixes of use and zoning. Similar developments could include types of buildings such as commercial or multifamily and types of development such as subdivisions or redevelopment.

SECTION 5585. Ordinance 13332, Section 33, as amended, and K.C.C. 27.10.080 are hereby amended to read as follows:

5008 Fees for zoning or ~~((e))~~Comprehensive ~~((p))~~Plan or map modification shall be  
5009 charged as follows:

A. Variance

- |                          |            |
|--------------------------|------------|
| 1. Review                | \$6,692.00 |
| 2. Extension of approval | \$244.00   |

B. Site-specific amendment of land use map, plan, code or  
shoreline environment redesignation

C. Other zoning reclassification requests including shoreline \$9,135.00  
environment redesignation, deletion of special district overlay,  
or amendment or deletion of p-suffix conditions

5010 D. If a site-specific amendment is implemented as part of ~~((the))~~ a Comprehensive  
5011 Plan ~~((amendment process))~~ update, the application fee will be credited toward the zoning  
5012 reclassification fee, provided that the application for zoning reclassification is filed within  
5013 one year of the effective date of the site-specific land use map amendment.

5014 SECTION 5686. The following are hereby repealed:

5015 A. Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070;

5016 B. Ordinance 12171, Section 7, and K.C.C. 21A.38.110;

5017 C. Ordinance 12823, Section 9, and K.C.C. 21A.38.140; and

5018 D. Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240; ~~and.~~

5019 ~~— E. Attachments I, II, III, VI and V to Ordinance 11166.~~

5020 ~~—~~ SECTION 57. SECTION 87. K.C.C. 20.12.100, as amended by this ordinance, is  
5021 hereby recodified as a new section in K.C.C. chapter 4.56.

5022 SECTION 88. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100

are hereby amended to read as follows:

A. The 2019 real property asset management plan, ~~((formerly called the county space plan,))~~ dated September 1, 2019, and consisting of real property asset management policies, practices and strategies, including planning policies, locations of county agencies and implementation plans, planned moves and references to King County space standards, is ~~((adopted as a component of the capital facilities element of))~~ intended to implement the capital facilities element of the King County Comprehensive Plan. The real property asset management plan dated September 1, 2019, shall guide facility planning processes, decisions and implementation.

B. The executive shall ~~((update))~~ transmit to the council a proposed ordinance updating the real property asset management plan, including the current and future space needs and implementation plans of the real property asset management plan: ~~((and submit them to the council as amendments to the real property asset management plan))~~

1. ~~((b))~~By the first business day in September ~~((4))~~ of every fourth year, beginning ~~((on September 1, 2019, and also))~~ 2023; or

2. ~~((w))~~Within ninety days of any significant change in the county's ~~((space plan))~~ inventory, such as a move, sale, purchase or other change, affecting fifty thousand or more square feet of useable space.

C.1. The council may amend the executive's proposed real property asset management plan during the council's review.

2. The council may at any time introduce and adopt an ordinance to modify the policies within the real property asset management plan.

SECTION 89. The executive shall submit sections ~~42, 43, 44~~65, 66, 67 and ~~45~~68

of this ordinance, amendments to King County Comprehensive Plan chapter six in Attachment A to this ordinance and amendments to ~~Attachment K of~~ the Shoreline Master Program in Attachments E and H to this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

SECTION 5890. Sections ~~42, 43, 44, 65, 66, 67~~ and ~~45, 68~~ of this ordinance, amendments to King County Comprehensive Plan chapter six in Attachment A to this ordinance and amendments to ~~Attachment K of~~ the Shoreline Master Program in Attachments E and H to this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.~~909090~~. The executive shall provide the written notice of final action to the clerk of the council.

SECTION 5991. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.