

1 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

2 **SECTION 1. Findings:**

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

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

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

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

13 ~~_____ C. King County adopted the 2016 King~~
14 ~~County Comprehensive Plan via Ordinance 18472;~~

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

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

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

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

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

36 ~~D. such as The adopted policies and development regulations for fossil fuel~~
37 ~~facilities, regulations to prepare for sea level rise impacts, and new zoning for the Bear~~
38 ~~Creek Urban Planned Developments;~~

39 ~~fuels and fossil fuel facilities~~ ~~F. In accordance with the Growth Management Act, King~~
40 ~~County conducted a public engagement process to collect feedback on draft policies and~~
41 ~~regulations: creating a public webpage devoted to the draft plan components; holding six~~
42 ~~public meetings; and providing access through an online comment portal;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

116 planning for unincorporated areas of King County.

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

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

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

137 P. Ordinance 19030 established updated regulations for winery, brewery,
138 distillery facilities and remote tasting rooms, in unincorporated King County.

139 Q. Ordinance 19030 was challenged on State Environmental Policy Act
140 ("SEPA") and GMA grounds by Futurewise and a neighborhood group to the Central
141 Puget Sound Growth Management Hearings Board ("the board"). The petitioners filed a
142 summary judgment motion with the board, claiming the SEPA process undertaken by the
143 county before adoption of the ordinance had been insufficient. On May 26, 2020, the
144 board issued its Order on Dispositive Motions for Case No. 20-3-0004c ("the order"),
145 which granted the petitioners' summary judgment and invalidated most of the substantive
146 sections of the ordinance. Ordinance 19030, Sections 12 through 30, and map
147 amendments 1 and 2, which were Attachments A and B to Ordinance 19030, were
148 invalidated by the board. Ordinance 19030, Sections 12 through 31, include definitions,
149 zoning conditions, parking restrictions, temporary use permit clarifications, home
150 occupation and home industry limitations and a demonstration project.

151 R. The board's order also remanded the ordinance to the county to take actions to
152 bring the ordinance into compliance.

153 S. The board's order was primarily focused on SEPA. The board concluded that
154 the analysis contained in the SEPA checklist was insufficient to support the SEPA
155 determination of nonsignificance. The board set a compliance schedule requiring
156 additional action by the county with a November 2020 deadline.

157 T. Ordinance 19122 established a six-month moratorium on the acceptance of
158 applications for: wineries, breweries and distilleries; remote tasting rooms; winery,
159 brewery, distillery and remote tasting room home occupations and home industries; and
160 temporary use permits for wineries, breweries, distilleries and remote tasting room uses.
161 This moratorium went into effect on June 23, 2020.

162 U. As a companion to Ordinance 19122, the council passed Motion 15649,
163 requesting the executive complete a new environmental checklist addressing the zoning
164 changes contemplated by Ordinance 19030 and any likely alternatives and in compliance
165 with chapter 43.21C RCW, chapter 197-11 WAC and K.C.C. chapter 20.44, and issue a
166 new, amended or addended threshold determination based on the new environmental
167 checklist, in response to the Central Puget Sound Growth Management Hearings Board's
168 Order on Dispositive Motions for Case No. 20-3-0004c. Motion 15649 requested that the
169 work be completed before the November 6, 2020, deadline set by the board's order.

170 W. This ordinance repeals the invalidated sections of Ordinance 19030, and
171 reestablishes the regulations for wineries, breweries, and distilleries that were in place
172 before Ordinance 19030 was adopted. This ordinance also directs the executive to
173 transmit a proposed ordinance recommending regulations for this uses within six months
174 of the end of the SEPA review and all comment and appeal periods requested by Motion
175 15649.

176 SECTION 2. A.-1. Attachments A, B, C, D, E, F, G, H, and I to this ordinance
177 are adopted as amendments to the 2016 King County Comprehensive Plan, as adopted in
178 Ordinance 18472 and its attachments and as amended by Ordinance 18623 and Ordinance
179 18810.

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

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

185 C. The elements of the King County Shoreline Master Program in sections [42](#),
186 [43](#), [44](#), [68](#), [69](#), [70](#) and [4571](#) of this ordinance, in King County Comprehensive Plan
187 chapter six of Attachment A [to this ordinance](#), and in Attachments E and H to this
188 ordinance are hereby amended to read as set forth in this ordinance and are incorporated
189 herein by this reference.

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

194 E. The land use and zoning amendments ~~contained~~ in sections [51](#), [52](#), [87](#), [88](#), [89](#),
195 [90](#) and ~~portions of 5695~~ of this ordinance and ~~Attachments~~ [Attachment](#) D ~~and G~~ to this
196 ordinance are hereby adopted as amendments to Appendix A [efo](#) Ordinance 12824, as
197 amended, and as the official land use and zoning controls for those portions of
198 unincorporated King County defined in those sections of this ordinance and attachments
199 to this ordinance.

200 F. [The](#) King County department of local services, permitting division, shall
201 update the geographic information system data layers accordingly to reflect adoption of
202 this ordinance.

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

206 ~~NEW SECTION. SECTION A.~~ The county executive shall manage and be
207 fiscally accountable for the office of performance, strategy and budget and the office of
208 labor relations.

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

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

213 2. Preparing forecasts of and monitor revenues;

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

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

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

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

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

224 8. Performance management and accountability:

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

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

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

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

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

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

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

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

242 i. developing and transmitting to the council a biennial report on April 30 in
243 odd-numbered years about the benefits achieved from technology projects. The report
244 shall include information about the benefits obtained from completed projects and a
245 comparison with benefits that were projected during different stages of the project. The
246 report shall also include a description of the expected benefits from those projects not yet
247 completed. The report shall be approved by the council by motion. The report and
248 motion shall be filed in the form of a paper original and an electronic copy with the clerk
249 of the council, who shall retain the original and provide an electronic copy to all
250 councilmembers;

251 9. Strategic planning and interagency coordination:

- 252 a. coordinating and staffing executive initiatives across departments and
253 agencies;
- 254 b. facilitating interdepartmental, interagency and interbranch teams on
255 multidisciplinary issues;
- 256 c. negotiating interlocal agreements as designated by the executive; and
- 257 d. serving as the liaison to the boundary review board for King County;
- 258 10. Business relations and economic development:
- 259 a. developing proposed policies to address regional, unincorporated urban, and
260 rural economic development;
- 261 b. establishing, fostering and maintaining healthy relations with business and
262 industry;
- 263 c. implementing strategies and developing opportunities that include partnering
264 with, cities, the Port of Seattle and other economic entities on regional and subregional
265 economic development projects;
- 266 d. developing and implementing strategies to promote economic revitalization
267 and equitable development in urban unincorporated areas including the possible assembly
268 of property for the purpose of redevelopment;
- 269 e. refining and implementing strategies in the county's rural economic
270 strategies to preserve and enhance the rural economic base so that the rural area can be a
271 place to both live and work; and
- 272 f. assisting communities and businesses in creating economic opportunities,
273 promoting a diversified economy and promoting job creation with the emphasis on
274 family-wage jobs;

- 275 11. Continuous improvement:
- 276 a. leading, coordinating and implementing a program of continuous
- 277 improvement, including the provision of leadership development, transformational
- 278 improvement and capacity building in Lean thinking; and
- 279 b. providing annual reports to the council on the implementation of the
- 280 continuous improvement program, including but not limited to a description of the
- 281 number of people and agencies that have received training, the processes changed as a
- 282 result of Lean implementation and the budget and other impacts of these changes; and
- 283 12. Regional planning:
- 284 a. coordinating the county's participation in multicounty planning at the Puget
- 285 Sound Regional Council, including serving on the Puget Sound Regional Council's
- 286 regional staff committee;
- 287 b. coordinating countywide planning at the Growth Management Planning
- 288 Council consistent with the Washington state Growth Management Act, including
- 289 leading the Growth Management Planning Council's interjurisdictional staff team in
- 290 accordance with the interlocal agreement authorized by King County Motion 8495;
- 291 c. managing updates to the county's Comprehensive Plan in coordination with
- 292 the department of local services(~~(, permitting division,)~~) in accordance with K.C.C. Title
- 293 20;
- 294 d. coordinating the development of demographic and growth forecasting data
- 295 and information including census data, growth targets and buildable lands;

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

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

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

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

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

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

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

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

318 6. ~~There is~~ Providing resources for labor relations training for county agencies,
319 the executive, the council and others, in collaboration with the department of human
320 resources.

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

325 a. liquor licenses under chapter 66.20 RCW; and

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

328 2. ~~added to the chapter established in section 3~~Before making a
329 recommendation under subsection D.1. of this section, the executive or designee shall
330 solicit comments from county departments and agencies, including, but not limited to, the
331 department of local services, public health - Seattle & King County, the sheriff's office
332 and the prosecuting attorney's office.

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

338 E. The executive may assign or delegate budgeting, performance management
339 and accountability, economic development and strategic planning and interagency

340 coordination functions to employees in the office of the executive but shall not assign or
341 delegate those functions to any departments.

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

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

346 ~~A. "Sea level rise protection elevation" means three feet above the base flood~~
347 ~~elevation of the of the adjacent flood zone.~~

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

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

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

362 2. Be available;

363 ~~NEW SECTION. SECTION 5.~~ There is hereby added to brief the council's
364 standing and regional committees on issues related to unincorporated area local services;
365 3. Develop and implement programs and strategies that emphasize:
366 a. improving the coordination of local services by county agencies through
367 increased collaboration;
368 b. ~~chapter~~strengthening partnerships between the county, communities and
369 other entities;
370 c. improving the delivery, responsiveness and quality of local services to the
371 people, businesses and communities of unincorporated King County through unified
372 accountability;
373 d. improving local services through robust employee engagement while
374 embracing equity and social justice and continuous improvement;
375 e. strengthening unincorporated communities by supporting local planning and
376 community initiatives; and
377 f. pursuing innovative funding strategies.
378 B.1. The department shall also manage the development and implementation of
379 community service area subarea plans for the six rural community service area and five
380 urban unincorporated potential annexation area geographies in coordination with the
381 regional planning function in K.C.C. 2.16.025 and in accordance with the King County
382 Comprehensive Plan and state Growth Management Act.
383 2. Each subarea plan shall be developed consistent with the King County
384 Comprehensive Plan and shall:
385 a. be based on a scope of work ~~established in section 3~~with the community;

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

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

391 d. use the tools and resources developed by the office of equity and social
392 justice to develop the scope of work and to develop, review, amend, adopt and implement
393 the subarea plan, including, but not limited to, community engagement, language access
394 and equity impact review tools. The county shall use, at minimum, the "County engages
395 in dialogue" and "County and community work together" levels of engagement as
396 outlined in the office of equity and social justice's Community Engagement Guide for the
397 scoping, development, review, amendment, adoption and implementation of the subarea
398 plan. The county shall include as an appendix to the subarea plan information detailing
399 the community engagement completed during the development of the subarea plan and
400 how the community engagement meets the requirements of this subsection B.2.d.;

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

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

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

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

414 ~~3. ordinance a new~~ Before transmittal of the subarea plan to the council, the
415 executive shall coordinate and collaborate with the councilmember office or
416 councilmember offices who represent the subarea geography on development of the
417 subarea plan.

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

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

427 ~~2. to read~~ Each community needs list shall:

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

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

433 c. be developed, reviewed, prioritized, amended, adopted and implemented
434 using tools and resources developed by the office of equity and social justice, including,
435 but not limited to, community engagement, language access and equity impact review
436 tools. The county shall use, at minimum, the "County engages in dialogue" and "County
437 and community work together" levels of engagement as outlined in the office of equity
438 and social justice's Community Engagement Guide for the development, review,
439 amendment, adoption and implementation of the community needs list. The county shall
440 include as an appendix to the community needs list information detailing the community
441 engagement completed during the development of the community needs list and how the
442 community engagement meets the requirements of this subsection C.2.c.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

515 a. be consistent with and implement the applicable subarea plan as described in
516 subsection B. of this section, the community needs list in subsection C. of this section and
517 other county plans;
518 b. address the required elements in Ordinance 17139((~~7~~));
519 c. list potential action items for the area((~~7~~));
520 d. list known planning activities for the area((~~7~~ and));
521 e. identify public meetings for the area;
522 f. include the current adopted community needs list as required in subsection
523 C. of this section; and
524 g. establish an ongoing communications and community engagement plan
525 using tools and resources developed by the office of equity and social justice, including,
526 but not limited to, community engagement, language access and equity impact review
527 tools. The county shall use, at minimum, the "County engages in dialogue" and "County
528 and community work together" levels of engagement as outlined in the office of equity
529 and social justice's Community Engagement Guide for the development, review,
530 amendment, adoption and implementation of the community needs list; and
531 h. establish performance metrics to monitor the implementation of the work
532 program.
533 3. The community service area program shall provide regular updates to ((~~that~~))
534 the councilmember or councilmembers who represent the subarea geography on the
535 progress of the work program throughout the year and shall publish regular reports on the
536 work program to its website, at least once per quarter.
537 4. The work program shall be updated on an annual basis.

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

544 2. Service partnerships agreements shall:

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

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

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

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

554 b. a general description of the programs, services or facilities provided by the
555 partner agency for unincorporated area residents and businesses and, where applicable, in
556 the subarea geographies;

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

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

561 (2) service level goals for each program, service or facility;
562 d. performance metrics to monitor progress of implementing the outcomes and
563 service level goals for each program, service or facility;
564 e. use of the community service area work programs in local service delivery
565 by the partner agency; and
566 f. the current adopted community needs lists and associated performance
567 metrics for monitoring and reporting on the progress the county agencies have made on
568 items on the lists that they are responsible for.
569 4. A schedule for completing the service partnership agreements with county
570 agencies shall be established as part of the executive's proposed 2021-2022 biennial
571 budget and is subject to council approval by motion. The schedule is expected to show
572 service partnership agreements with all required agencies in effect no later than
573 transmittal of the executive's proposed 2023-2024 biennial budget.
574 5. The service partnership agreements, after they are established, shall be
575 updated concurrent with the development of the biennial budget and shall be transmitted
576 to the council as part of the supporting material for the executive's proposed biennial
577 budget. In addition to the requirements for service partnership agreements described in
578 subsection E. of this section, the updates shall include evaluation and reporting on the
579 goals and performance metrics identified in the previous service partnership agreement
580 and in the community needs list.
581 ~~((C.))~~ F. ~~Within the sea level rise risk area~~ Until an ordinance that makes
582 changes to the King County Code required in ~~((section 217))~~ Ordinance 18791, Section
583 217, is effective, the permitting division shall be considered the successor agency to the

584 department of permitting and environmental review. Therefore, upon effectiveness of
585 Ordinance 18791 and until an ordinance required by Ordinance 18791, ((§))Section 217,
586 is effective, where the code states or intends a decision to be made or action to be
587 implemented by the department of permitting and environmental review, those decisions
588 or actions shall be performed by the permitting division.

589 ((D:)) G.1. The duties of the permitting division shall include the following
590 building:

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

594 b. ((managing the development and implementation of unincorporated subarea
595 plans in coordination with the regional planning function in K.C.C. 2.16.025 and in
596 accordance with the King County Comprehensive Plan and state Growth Management
597 Act requirements;

598 e:)) participating on the interbranch regional planning team as specified in
599 K.C.C. 2.16.025;

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

605 ((e:)) d. effective processing and timely review of land development proposals,
606 including zoning variance and reclassification, master drainage plans, variances from the

607 surface water design manual and the King County road standards apply; critical area,
608 subdivision, right-of-way use, urban planned development, clearing and grading,
609 shoreline, special use and conditional use applications;
610 ~~===== A. All buildings and substantial improvements to existing buildings shall be~~
611 ~~elevated on pilings and columns in a manner consistent with applicable floodplain~~
612 ~~development standards in this title, K.C.C. Title 21A, the Federal Emergency~~
613 ~~Management Agency Coastal Construction Manual and other relevant requirements, and~~
614 ~~in a manner that provides the following at a minimum:~~
615 ~~===== 1. The bottom of the lowest horizontal structural member of the lowest floor,~~
616 ~~excluding the pilings or columns, is elevated above the sea level rise protection elevation;~~
617 ~~and~~
618 ~~===== 2. The pile or column foundation and building attached thereto is anchored to~~
619 ~~resist flotation, collapse and lateral movement due to the effects of flood water, wind and~~
620 ~~other loads as prescribed in this title acting simultaneously on all building components.~~
621 Flood water loading values shall each have a one percent chance of being equaled or
622 exceeded in any given year;
623 ~~===== B. A registered professional engineer licensed by the state of Washington shall~~
624 ~~prepare the structural design, specifications and plans for the building, and shall certify~~
625 ~~that the design and methods of construction to be used are in accordance with accepted~~
626 ~~standards of practice for meeting the provisions of subsection A. of this section, including~~
627 applicable floodplain development standards in this title, K.C.C. Title 21A, the Federal
628 Emergency Management Agency Coastal Construction Manual and other relevant
629 requirements;

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

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

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

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

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

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

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

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

653 ~~others;~~

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

655 ~~===== 3. The susceptibility of the proposed building or facility and its contents to flood~~

656 ~~damage and the effect of the damage on the individual owner;~~

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

658 ~~to the community;~~

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

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

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

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

663 ~~federally or state protected species or habitat;~~

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

665 ~~development;~~

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

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

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

669 ~~emergency vehicles;~~

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

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

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

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

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

675 ~~bridges.~~

676 ~~_____ C. The director may only approve a variance upon a determination that:~~
677 ~~_____ 1. Failure to grant the variance would result in an exceptional hardship to the~~
678 ~~applicant;~~
679 ~~_____ 2. The granting of a variance will not result in additional threats to public safety,~~
680 ~~extraordinary public expense, create nuisances, cause fraud on or victimization of the~~
681 ~~public or conflict with existing laws or ordinances; and~~
682 ~~===== 3. _____ ((f.)) e. pursuing and resolving code violations, including preparing for~~
683 ~~administrative or legal actions, evaluating the department's success in obtaining~~
684 ~~compliance with King County rules and regulations and designing measures to improve~~
685 ~~compliance;~~
686 ~~_____ ((g.)) f. regulating the operation, maintenance and conduct of county-licensed~~
687 ~~businesses, except taxicab and for-hire drivers and vehicles; and~~
688 ~~_____ ((h.)) g. developing and implementing an inspection program to identify fire~~
689 ~~hazards and require conformance with K.C.C. Title 17, reviewing building plans and~~
690 ~~applications for compliance with K.C.C. Title 17 and conducting inspections, including~~
691 ~~inspections of new construction, for compliance with K.C.C. Title 17.~~
692 ~~_____ 2. The permitting division manager shall be the:~~
693 ~~_____ a. county planning director;~~
694 ~~_____ b. zoning adjuster;~~
695 ~~===== c. responsible official for purposes of administering the state Environmental~~
696 ~~Policy Act;~~
697 ~~_____ d. county building official; and~~
698 ~~_____ e. county fire marshal.~~

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

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

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

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

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

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

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

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

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

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

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

727 10. The variance is the minimum necessary, considering the flood or erosion
728 hazard, to afford relief.

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

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

738 ~~——~~ Administering the transportation concurrency and mitigation payment programs;
739 and

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

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

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

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

758 ~~SECTION 5F. The department shall maintain a record of all requests for~~
759 ~~variances, including justification for their issuance.~~

760 ~~SECTION 7.~~ Ordinance 263, Article 2, Section 1, as amended, and K.C.C.

761 20.12.010 are hereby amended to read as follows:

762 ((A.)) Under the King County Charter, the state Constitution and the Washington
763 state Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King
764 County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive
765 Plan for King County until amended, repealed or superseded. The Comprehensive Plan has
766 been reviewed and amended multiple times since its adoption in 1994. Amendments to the

767 1994 Comprehensive Plan to-date are currently reflected in the 2016 King County
768 Comprehensive Plan, as adopted in Ordinance 18427 and as amended by Ordinance 18623
769 , Ordinance 18810 ~~((and))~~, Ordinance ~~18810~~19034 and this ordinance. The
770 Comprehensive Plan shall be the principal planning document for the orderly physical
771 development of the county and shall be used to guide subarea plans, functional plans,
772 provision of public facilities and services, review of proposed incorporations and
773 annexations, development regulations and land development decisions.

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

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

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

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

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

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

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

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

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

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

810 ~~F. Vested permit applications for proposed buildings and grading and~~
811 ~~applications for variances, when categorically exempt from the procedural requirements~~
812 ~~of the state Environmental Policy Act, may rely on existing zoning and specific facility~~

813 ~~improvement standards adopted by ordinance; and~~

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

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

816 ~~—— SECTION 9.~~ Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are

817 hereby amended to read as follows:

818 The following provisions complete the zoning conversion from K.C.C. Title 21 to

819 Title 21A pursuant to K.C.C. 21A.01.070:

820 A. Ordinance 11653 adopts area zoning to implement the 1994 King County

821 Comprehensive Plan pursuant to the Washington State Growth Management Act

822 ~~((RCW)), chapter~~ 36.760A ~~RCW~~. Ordinance 11653 also converts existing zoning in

823 unincorporated King County to the new zoning classifications in the 1993 Zoning Code,

824 codified in Title 21A, pursuant to the area zoning conversion guidelines in K.C.C.

825 21A.01.070. The following are adopted as attachments to Ordinance 11653:

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

827 19, 1994.

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

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

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

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

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

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

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

835 Conditions.

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

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

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

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

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

843 Appendix N: Amendments to Resource Lands Community Plan P-Suffix
844 Conditions.

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

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

847 B. Area zoning adopted by Ordinance 11653, including potential zoning, is
848 contained in Appendices A and O. Amendments to area-wide P-suffix conditions
849 adopted as part of community plan area zoning are contained in Appendices B through N.
850 Existing P-suffix conditions whether adopted through reclassifications or community
851 plan area zoning are retained by Ordinance 11653 except as amended in Appendices B
852 through N.

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

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

858 E. Amendments to the 1994 King County Comprehensive Plan area zoning,

859 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
860 12170 are hereby adopted to comply with the Decision and Order of the Central Puget
861 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
862 County, Case No. 95-3-0008.

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

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

870 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
871 12533 as Appendix B is adopted as the official zoning control for those portions of
872 unincorporated King County defined therein. Existing p-suffix conditions whether
873 adopted through reclassifications or area zoning are retained by Ordinance 12533.

874 I. The King County Zoning Atlas is amended to include the area shown in
875 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
876 whether adopted through reclassifications or area zoning are retained by Ordinance
877 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King
878 County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance
879 12535.

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

882 Ordinance 12627.

883 K. The special district overlays, as designated on the map attached to Ordinance
884 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and
885 21A.38.040.

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

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

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

897 2. All ordinances adopting individual zone reclassifications effective ~~((prior to))~~
898 before February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633,
899 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765,
900 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496,
901 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051,
902 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867,
903 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171,
904 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854,

905 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832,
906 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653,
907 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375,
908 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865,
909 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194,
910 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271((;)) and 11651,
911 are hereby repealed and p-suffix conditions are replaced by the property specific
912 development standards as set forth in Appendix A to Ordinance 12824;

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

917 4. All ordinances adopting area zoning pursuant to Resolution 25789 or
918 converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of
919 this section. All p-suffix conditions contained therein are repealed or replaced by
920 adopting the property specific development standards as set forth in Appendix A to
921 Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance
922 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

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

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

927 c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422

928 as Appendix B, as amended is hereby repealed.

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

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

933 f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
934 7837 as Appendix B, as amended, is hereby repealed.

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

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

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

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

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

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

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

949 n. The West Hill Community Plan Area Zoning adopted in Ordinance
950 ((11116)) 11166, as amended, is hereby repealed; and

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

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

962 b. All property specific development standards established in Ordinance
963 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

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

966 d. All property specific development standards established in Ordinance
967 12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

968 e. All property specific development standards established in Ordinance
969 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

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

972 SECTION 407. Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337
973 are hereby amended to read as follows:

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

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

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

- 991 1. Emergencies;
- 992 2. An appeal of the plan filed with the Central Puget Sound Growth Management
993 Hearings Board or with the court;
- 994 3. The initial adoption of a subarea plan, which may amend the urban growth area
995 boundary only to redesignate land within a joint planning area;
- 996 4. An amendment of the capital facilities element of the Comprehensive Plan that

997 occurs in conjunction with the adoption of the county budget under K.C.C. 4A.100.010; or
998 5. The adoption or amendment of a shoreline master program under chapter 90.58
999 RCW.

1000 B. Every year the Comprehensive Plan may be ~~((amended))~~ updated to address
1001 technical updates and corrections, to adopt community service area subarea plans and to
1002 consider amendments that do not require substantive changes to policy language or do not
1003 require changes to the urban growth area boundary, except as permitted in subsection B.9.
1004 and 11. of this section. The review may be referred to as the annual update. The
1005 Comprehensive Plan, including subarea plans, may be amended in the annual update only
1006 to consider the following:

- 1007 1. Technical amendments to policy, text, maps or shoreline environment
1008 designations;
- 1009 2. The annual capital improvement plan;
- 1010 3. The transportation needs report;
- 1011 4. School capital facility plans;
- 1012 5. Changes required by existing Comprehensive Plan policies;
- 1013 6. Changes to the technical appendices and any amendments required thereby;
- 1014 7. Comprehensive updates of subarea plans initiated by motion;
- 1015 8. Changes required by amendments to the Countywide Planning Policies or state
1016 law;
- 1017 9. Redesignation proposals under the four-to-one program as provided for in this
1018 chapter;
- 1019 10. Amendments necessary for the conservation of threatened and endangered

1020 species;

1021 11. Site-specific land use map amendments that do not require substantive change
1022 to Comprehensive Plan policy language and that do not alter the urban growth area
1023 boundary, except to correct mapping errors;

1024 12. Amendments resulting from subarea studies required by Comprehensive Plan
1025 policy that do not require substantive change to Comprehensive Plan policy language and
1026 that do not alter the urban growth area boundary, except to correct mapping errors;

1027 13. Changes required to implement a study regarding the provision of wastewater
1028 services to a Rural Town. The amendments shall be limited to policy amendments and
1029 adjustment to the boundaries of the Rural Town as needed to implement the preferred
1030 option identified in the study;

1031 14. Adoption of community service area subarea plans;

1032 15. Amendments to the Comprehensive Plan update schedule that respond to
1033 adopted ordinances and improve alignment with the timing requirements in the Washington
1034 state Growth Management Act, ~~((RCW))~~ chapter 36.70A, RCW ("the GMA"), and
1035 alignment with multicounty and countywide planning activities; or

1036 16. Amendments to the Comprehensive Plan Workplan, ~~((only as part of the
1037 2018 subarea planning restructure adopted by this ordinance))~~ to change deadlines.

1038 C. Every eighth year beginning in ~~((2023))~~ 2024, the county shall complete a
1039 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
1040 to ensure continued compliance with the GMA. This review may provide for a cumulative
1041 analysis of the twenty-year plan based upon official population growth forecasts,
1042 benchmarks and other relevant data in order to consider substantive changes to ~~((policy~~

1043 ~~language))~~ the Comprehensive Plan and changes to the urban growth area boundary. The
1044 comprehensive review shall begin one year in advance of the transmittal and may be
1045 referred to as the eight-year update. The urban growth area boundaries shall be reviewed in
1046 the context of the eight-year update and in accordance with countywide planning policy G-
1047 1 and RCW 36.70A.130.

1048 D.1. ~~((If there is a scope of work adopted by motion to perform))~~ At the midpoint
1049 of the eight-year update process, a limited update to the Comprehensive Plan to address
1050 time-sensitive issues ~~((prior to))~~ before the next eight-year update, may be authorized by
1051 motion. The update may be referred to as the midpoint update. The midpoint update may
1052 include those substantive changes to the Comprehensive Plan and amendments to the urban
1053 growth area boundary ~~((may also be considered at the midpoint of the eight-year update~~
1054 ~~((cycle))~~ schedule. This update can include substantive changes and amendments as
1055 authorized by motion ~~may be referred to as the midpoint update))~~ that are identified in the
1056 scope of work. The midpoint update may also include additions or amendments to the
1057 Comprehensive Plan Workplan related to a topic identified in the scope of work.

1058 2. The motion shall specify the scope of the midpoint update, and identify that the
1059 resources necessary to accomplish the work are available. A fiscal note for the scope of the
1060 midpoint update shall be provided to the council by the executive within fifteen business
1061 days of introduction of the proposed motion. If the executive determines an additional
1062 appropriation is necessary to complete the midpoint update, the executive may transmit an
1063 ordinance requesting the additional appropriation.

1064 3. If the executive proposes a midpoint update, the executive shall transmit to the
1065 council by the last business day in June two years before the midpoint year of the eight-

1066 year update (~~eyele~~) schedule a proposed motion specifying the scope of work for the
1067 midpoint update. The council shall have until September 15 of that year, to adopt a motion
1068 specifying the scope of work initiating a midpoint update, either as transmitted or amended,
1069 or as introduced or amended. If the motion is approved by September 15, the scope shall
1070 proceed as established by the approved motion. In the absence of council approval by
1071 September 15, the executive shall proceed to implement the scope as transmitted. If such
1072 a motion is adopted, the executive shall transmit a midpoint update by the last business day
1073 of June of the following year after adoption of the motion. The council shall have until
1074 June 30 of the following year after transmittal to adopt a midpoint update.

1075 4. Before initiation of the first eight-year update in ~~((2023))~~ 2024, substantive
1076 changes to the Comprehensive Plan and amendments to the urban growth area boundary
1077 may be considered. The amendments shall be considered in the 2020 Comprehensive Plan
1078 update and shall be subject to the midpoint update process and requirements. The
1079 executive shall transmit to the council by the first business day of January 2019 a proposed
1080 motion specifying the scope of work for the proposed ~~((amendments))~~ update consistent
1081 with K.C.C. 20.18.030.D.1. The council shall have until the last business day of February
1082 2019, to adopt the motion, either as transmitted or amended. In the absence of council
1083 approval by the last business day of February 2019, the executive shall proceed to
1084 implement the scope as proposed. If the motion is approved the last business day of
1085 February 2019, the scope shall proceed as established by the approved motion. The
1086 executive shall transmit to the council any proposed amendments for the 2020
1087 Comprehensive Plan update the by the last business day of September 2019. The council
1088 shall have until the last business day of ~~((June))~~ July 2020 to adopt the 2020

1089 Comprehensive Plan update.

1090 E. The executive shall seek public comment on the Comprehensive Plan and any
1091 proposed Comprehensive Plan ~~((amendments))~~ update in accordance with the procedures in
1092 K.C.C. 20.18.160 before making a recommendation, which shall include publishing a
1093 public review draft of the proposed Comprehensive Plan ~~((amendments))~~ update, in
1094 addition to conducting the public review and comment procedures required by SEPA. The
1095 public shall be afforded at least one official opportunity to record public comment before
1096 the transmittal of a recommendation by the executive to the council. County-sponsored
1097 councils and commissions may submit written position statements that shall be considered
1098 by the executive before transmittal and by the council before adoption, if they are received
1099 in a timely manner. The executive's recommendations for changes to policies, text and
1100 maps shall include the elements listed in ~~Comprehensive Plan~~ Comprehensive Plan policy I-
1101 207 and analysis of their financial costs and public benefits, any of which may be included
1102 in environmental review documents. Proposed amendments to the Comprehensive Plan
1103 shall be accompanied by any development regulations or amendments to development
1104 regulations, including area zoning, necessary to implement the proposed amendments.

1105 ~~SECTION 12. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040~~
1106 ~~are hereby amended to read as follows:~~

1107 ~~———A. Site specific land use map or shoreline master program map amendments may~~
1108 ~~be considered during the annual update, midpoint update or eight year update, depending~~
1109 ~~on the degree of change proposed.~~

1110 ~~———B. ((The following categories of s))Site specific land use map ((amendments)) or~~
1111 ~~shoreline master program map amendments that do not require substantive change to~~

1112 ~~Comprehensive Plan policy language and that do not alter the urban growth area boundary,~~
1113 ~~except to correct mapping errors, may be initiated by either the county or a property owner~~
1114 ~~for consideration in the annual update((:~~
1115 ~~———— 1. Amendments that do not require substantive change to Comprehensive Plan~~
1116 ~~policy language and that do not alter the urban growth area boundary, except to correct~~
1117 ~~mapping errors; and~~
1118 ~~9———— 2. Four to one proposals)).~~
1119 ~~———— C. The following categories of site-specific land use map and shoreline master~~
1120 ~~program amendments may be initiated by either the county or a property owner for~~
1121 ~~consideration in the eight-year update or midpoint update:~~
1122 ~~———— 1. Amendments that could be considered in the annual update;~~
1123 ~~———— 2. Amendments that require substantive change to Comprehensive Plan policy~~
1124 ~~language; and~~
1125 ~~———— 3. Amendments to the urban growth area boundary.~~

1126 ~~———— SECTION 13.~~ Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050
1127 are hereby amended to read as follows:

1128 A. Site-specific land use map and shoreline master program map amendments are
1129 legislative actions that may be initiated by property owner application, by council motion
1130 or by executive proposal. All site-specific land use map and shoreline master program map
1131 amendments must be evaluated by the hearing examiner before adoption by the council in
1132 accordance with this chapter.

1133 1. If initiated by council motion, the motion shall refer the proposed site-specific
1134 land use map or shoreline master program map amendment to the department of local

1135 services, permitting division, review for preparation of a recommendation to the hearing
1136 examiner. The motion shall also identify the resources and the work program required to
1137 provide the same level of review accorded to applicant-initiated amendments. An analysis
1138 of the motion's fiscal impact shall be provided to the council before adoption. If the
1139 executive determines that additional funds are necessary to complete the work program, the
1140 executive may transmit an ordinance requesting the appropriation of supplemental funds.

1141 2. If initiated by executive proposal, the proposal shall refer the proposed site-
1142 specific land use map or shoreline master program map amendment to the department of
1143 local services, permitting division, for preparation of a recommendation to the hearing
1144 examiner.

1145 3. If initiated by property owner application, the property owner shall submit a
1146 docket request for a site-specific land use map ((amendment)) or shoreline master program
1147 map amendment to the department of local services, permitting division, for preparation of
1148 a recommendation to the hearing examiner.

1149 B. A shoreline redesignation initiated by an applicant must include the following
1150 information in addition to the requirements in this section:

- 1151 1. Applicant information, including signature, telephone number and address;
- 1152 2. The applicant's interest in the property, such as owner, buyer or consultant; and
- 1153 3. Property owner concurrence, including signature, telephone number and
1154 address.

1155 C. All proposed site-specific land use map or shoreline master program map
1156 amendments, whether initiated by property owner application, by council motion or by
1157 executive proposal shall include the following:

- 1158 1. Name and address of the owner or owners of record;
1159 2. Description of the proposed amendment;
1160 3. Property description, including parcel number, property street address and
1161 nearest cross street;
1162 4. County assessor's map outlining the subject property; and
1163 5. Related or previous permit activity.

1164 D. Upon initiation of a site-specific land use map or shoreline master program map
1165 amendment, an initial review conference shall be scheduled by the department of local
1166 services, permitting division. The owner or owners of record of the property shall be
1167 notified of and invited to attend the initial review conference. At the initial review
1168 conference, the department of local services, permitting division, shall review the proposed
1169 amendment's consistency with applicable county policies or regulatory enactments
1170 including specific reference to Comprehensive Plan policies, countywide planning policies
1171 and state Growth Management Act requirements. The proposed amendment will be
1172 classified in accordance with K.C.C. 20.18.040 and the classification shall be provided at
1173 the initial review conference or in writing to the owner or owners of record within thirty
1174 days after the initial review conference.

1175 E. If a proposed site-specific land use map or shoreline master program map
1176 amendment is initiated by property owner application, the property owner shall, following
1177 the initial review conference, submit the completed application including an application fee
1178 and an environmental checklist to the department of local services, permitting division, to
1179 proceed with review of the proposed amendment.

1180 F. If a proposed site-specific land use map or shoreline master program map

1181 amendment is initiated by council motion, following the initial review conference, the
1182 council shall submit an environmental checklist to the department of local services,
1183 permitting division, to proceed with review of the proposed amendment.

1184 G. If a proposed site-specific land use map or shoreline master program map
1185 amendment is initiated by executive proposal, following the initial review conference, the
1186 executive shall submit an environmental checklist to the department of local services,
1187 permitting division, to proceed with review of the proposed amendment.

1188 H. Following the submittal of the information required by subsection E., F. or G. of
1189 this section, the department of local services, permitting division, shall submit a report
1190 including an executive recommendation on the proposed amendment to the hearing
1191 examiner within one hundred twenty days. The department of local services, permitting
1192 division, shall provide notice of a public hearing and notice of threshold determination in
1193 accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the
1194 hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing, the
1195 hearing examiner shall prepare a report and recommendation on the proposed amendment
1196 in accordance with K.C.C. 20.22.170. A compilation of all completed reports will be
1197 considered by the council in accordance with K.C.C. 20.18.070.

1198 I. A property-owner-initiated docket request for a site-specific land use map or
1199 shoreline master program map amendment may be accompanied by an application for a
1200 zone reclassification to implement the proposed amendment, in which case administrative
1201 review of the two applications shall be consolidated to the extent practical consistent with
1202 this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land
1203 use map or shoreline master program map amendment is a legislative decision that should

1204 be determined before and separate from its consideration of a zone reclassification, which
1205 is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an
1206 application for a site-specific land use map or shoreline master program map amendment
1207 and the amendment is adopted, the property shall be given potential zoning. A zone
1208 reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the
1209 potential zoning.

1210 J. Site-specific land use map or shoreline master program map amendments for
1211 which a completed recommendation by the hearing examiner has been submitted to the
1212 council by January 15 will be considered concurrently with the annual ~~((amendment))~~
1213 update to the Comprehensive Plan. Site-specific land use map or shoreline master program
1214 map amendments for which a recommendation has not been issued by the hearing
1215 examiner by January 15 shall be included in the next ~~((appropriate review cycle))~~ update
1216 following issuance of the examiner's recommendation.

1217 K.1. An amendment to a land use designation or shoreline environment designation
1218 for a property may not be initiated unless at least three years have elapsed since council
1219 adoption or review of the current designation for the property. This time limit may be
1220 waived by the executive or the council if the proponent establishes that there exists either
1221 an obvious technical error or a change in circumstances justifying the need for the
1222 amendment.

1223 2. A waiver by the executive shall be considered after the proponent has
1224 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall
1225 render a waiver decision within forty-five days of receiving a docket request and shall mail
1226 a copy of this decision to the proponent.

1227 3. A waiver by the council shall be considered by motion.

1228 L. A shoreline master program map amendment and redesignation must meet the
1229 requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state
1230 Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program
1231 map amendment and redesignation must be approved by the Washington state Department
1232 of Ecology.

1233 SECTION 4410. Ordinance 114047, Section 4, and K.C.C. 20.18.055 are hereby
1234 amended to read as follows:

1235 A. All site-specific land use map amendments, whether initiated by property
1236 owner application, by council motion, or by executive proposal, shall be reviewed based
1237 upon the requirements of Comprehensive Plan policy ((~~RP-307~~)) I-207, and must meet
1238 the following additional review standards:

1239 1. Consistency with the policies, objectives and goals of the Comprehensive Plan,
1240 ((~~including any applicable subarea plans(~~and~~)), the countywide planning policies and the
1241 state Growth Management Act;~~

1242 2. Compatibility with adjacent and nearby existing and permitted land uses; and

1243 3. Compatibility with the surrounding development pattern.

1244 B. Site-specific land use map amendments for which recommendations have been
1245 issued by the hearing examiner by January 15 shall be submitted to the executive and the
1246 council by the hearing examiner by January 15. The department will provide for a
1247 cumulative analysis of these recommendations and such analysis will be included in the
1248 annual March transmittal. All such amendments will be considered concurrently by the
1249 council committee charged with the review of the ((~~e~~))Comprehensive ((~~p~~))Plan.

1250 Following this review, site-specific land use map amendments which are recommended by
1251 this committee will be incorporated as an attachment to the adopting ordinance transmitted
1252 by the executive for consideration by the full council. Final action by the council on these
1253 amendments will occur concurrently with the annual ~~((amendment))~~ update to the
1254 ~~((e))~~Comprehensive ~~((p))~~Plan.

1255 SECTION ~~1511~~. Ordinance 13147, Section 22, as amended, and K.C.C.
1256 20.18.060 are hereby amended to read as follows:

1257 A. Beginning in ~~((2021))~~ 2022, and every eighth year thereafter the executive shall
1258 transmit to the council by the last business day of June a proposed motion specifying the
1259 scope of work for the proposed ~~((amendments))~~ update to the Comprehensive Plan that will
1260 occur in the following year, which motion shall include the following:

1261 1. Topical areas relating to amendments to policies, the land use map,
1262 implementing development regulations, or any combination of those amendments that the
1263 executive intends to consider for recommendation to the council; and

1264 2. An attachment to the motion advising the council of the work program the
1265 executive intends to follow to accomplish state((s))State Environmental Policy Act review
1266 and public participation.

1267 B. The council shall have until September 15 to approve the motion. In the
1268 absence of council approval, the executive shall proceed to implement the work program as
1269 proposed. If the motion is approved, the work program shall proceed as established by the
1270 approved motion.

1271 C. Beginning in ~~((2022))~~ 2023 and every eighth year thereafter, the executive shall
1272 transmit to the council by the last business day of June a proposed ordinance ~~((amending))~~

1273 updating the Comprehensive Plan, except that the capital improvement program and the
1274 ordinances adopting updates to the transportation needs report and the school capital
1275 facility plans shall be transmitted no later than the biennial budget transmittal and shall be
1276 adopted in conjunction with the budget. However, in those years when there is only a
1277 midbiennium review of the budget, the ordinances adopting the capital improvement plan
1278 and the school capital facility plans shall be transmitted by October 1 and adopted no later
1279 than the midbiennium review under K.C.C. 4A.100.010. All transmittals shall be
1280 accompanied by a public participation note, identifying the methods used by the executive
1281 to ensure early and continuous public participation in the preparation of amendments. The
1282 council shall have until June 30 of the following year to adopt ~~((the amendments))~~ an
1283 update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

1284 SECTION 4612. Ordinance 13147, Section 23, as amended, and K.C.C.
1285 20.18.070 are hereby amended to read as follows:

1286 A. The executive shall transmit to the council ~~((any proposed amendments for))~~ the
1287 annual update by the last business day of June, except that the capital improvement
1288 program and the ordinances adopting updates to the transportation needs report and the
1289 school capital facility plans shall be transmitted no later than the biennial budget transmittal
1290 and shall be adopted in conjunction with the budget. However, in those years when there is
1291 only a midbiennium review of the budget, the ordinances adopting the capital improvement
1292 plan and the school capital facility plans shall be transmitted by October 1, and adopted no
1293 later than the midbiennium review under K.C.C. 4A.100.010.

1294 B. All transmittals shall be accompanied by a public participation note, identifying
1295 the methods used by the executive to assure early and continuous public participation in the

1296 preparation of ~~((amendments))~~ updates.

1297 C. Proposed amendments, including site-specific land use map amendments, that
1298 are found to require preparation of an environmental impact statement, shall be considered
1299 for inclusion in the next annual, midpoint or eight-year update following completion of the
1300 appropriate environmental documents.

1301 SECTION 1713. Ordinance ~~1401712196~~, Section 9, as amended, and K.C.C.
1302 ~~20.18.170~~20.020 are hereby amended to read as follows:

1303 A. ~~The total area added to the urban growth area as a result of ((this)) the~~Land use
1304 permit decisions are classified into four to one program shall not exceed four thousand
1305 acres. The department shall keep a cumulative total for all parcels added under this section.
1306 ~~The total shall be updated ((annually)) through the Comprehensive ((p))Plan amendment~~
1307 ~~process.~~

1308 ~~———— B. Proposals from a property owner shall be initiated through the docket process~~
1309 ~~under K.C.C. 20.18.140. Proposals shall be processed as land use amendments to the~~
1310 ~~Comprehensive Plan and may be considered in the annual update, midpoint update or~~
1311 ~~eight year update. As part of the docket review of a proposal, ((S))site suitability and~~
1312 ~~development conditions for both the urban and rural portions of the proposal shall be~~
1313 ~~established through ((the preliminary formal plat approval process)) a preapplication~~
1314 ~~conference under K.C.C. 20.20.030.~~

1315 ~~———— C. A term conservation easement satisfactory to King County shall be ((placed))~~
1316 ~~recorded on the open space ((at the time)) portion of the property within twenty one days of~~
1317 ~~enactment of the ordinance that approves the four to one proposal ((is approved by the~~
1318 ~~council)). Upon final plat approval for proposals not adjacent to an incorporated area, or~~

1319 ~~upon annexation of the urban portion of the property to a city for proposals adjacent to an~~
1320 ~~incorporated area, the open space shall be permanently dedicated in fee simple to King~~
1321 ~~County.~~

1322 ~~———— D. Proposals adjacent to an incorporated area or potential annexation areas shall be~~
1323 ~~referred to the affected city and special purpose districts for recommendations and~~
1324 ~~agreement by the jurisdiction to add the new urban area to the jurisdiction's Potential~~
1325 ~~Annexation Area.~~

1326 ~~———— E. For proposals adjacent to an incorporated area, the legislation approving the~~
1327 ~~Four to One proposal shall include property specific development conditions requiring~~
1328 ~~types, based on who makes the decision, whether public notice.~~

1329 ~~===== 1. Development of the parcels shall only occur after the area is annexed to a city~~
1330 ~~or town; and~~

1331 ~~===== 2. Adoption of an interlocal agreement between King County and the adjacent~~
1332 ~~jurisdiction within ninety days of enactment of the ordinance that approves the proposal.~~
1333 ~~At a minimum, the interlocal agreement shall establish conditions for site development that~~
1334 ~~are consistent with the four to one program requirements and goals, such as limiting~~
1335 ~~development to residential uses and requiring minimum densities consistent with R-4~~
1336 ~~zoning, and shall require the development be consistent with the property specific~~
1337 ~~development conditions adopted in the ordinance that approved the proposal.~~

1338 ~~===== SECTION 18. Ordinance 14017, Section 10, as amended, and K.C.C. 20.18.180~~
1339 ~~are hereby amended to read as follows:~~

1340 ~~———— A. A proposal to add land to the urban growth area under this program shall meet~~
1341 ~~the following criteria:~~

1342 ~~_____ 1. A permanent dedication to the King County open space system of four acres of~~
1343 ~~open space is required for every one acre of land added to the urban growth area, whether a~~
1344 ~~public hearing is;~~

1345 ~~===== 2. The land shall not be zoned ((agriculture)) agricultural, forest or mineral;~~

1346 ~~_____ 3. The land added to the urban growth area shall:~~
1347 ~~_____ a. be physically contiguous to urban growth area as adopted in 1994, unless the~~
1348 ~~director determines that the land directly adjacent to the urban growth area contains critical~~
1349 ~~areas that would be substantially harmed by development directly adjacent to the urban~~
1350 ~~growth area and that all other criteria can be met; and~~

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

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

1355 ~~===== 5. A road serving the land added to the urban area shall not be counted as part of~~
1356 ~~the required open space;~~

1357 ~~before a decision is made and whether administrative appeals are ===== 6. All urban~~
1358 ~~facilities shall be provided directly from the urban area and shall not cross the open space~~
1359 ~~or rural area and be located in the urban area except as permitted. The types of land use~~
1360 ~~decisions are listed in subsection E₂ of this section;~~

1361 ~~1. Type 1 decisions are made by the permitting division manager or designee~~
1362 ~~("the director") of the department of local services ("the department"). Type 1 decisions~~
1363 ~~are nonappealable administrative decisions.~~

1364 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
1365 decisions that are subject to administrative appeal.

1366 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
1367 following an open record hearing. Type 3 decisions may be appealed to the county council,
1368 based on the record established by the hearing examiner.

1369 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
1370 record established by the hearing examiner.

1371 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise
1372 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
1373 applications that would require more than one type of land use decision process may be
1374 processed and decided together, including any administrative appeals, using the highest-
1375 numbered land use decision type applicable to the project application.

1376 C. Certain development proposals are subject to additional procedural requirements
1377 beyond the standard procedures established in this chapter.

1378 D. Land use permits that are categorically exempt from review under SEPA do not
1379 require a threshold determination (determination of nonsignificance ["DNS"] or
1380 determination of significance ["DS"]). For all other projects, the SEPA review procedures
1381 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

1382 E. Land use decision types are classified as follow:

<u>TYPE 1</u>	<u>(Decision by</u> <u>director, no</u> <u>administrative</u> <u>appeal)</u>	<u>Temporary use permit for a homeless encampment</u> <u>under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030,</u> <u>21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070,</u> <u>21A.45.080 and 21A.45.090; building permit, site</u>
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		<p><u>development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; decisions to approve, condition or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat;</u></p>
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		<u>final plat.</u>
<u>TYPE</u> <u>2^{1,2}</u>	<u>(Decision by director</u> <u>appealable to hearing</u> <u>examiner, no further</u> <u>administrative</u> <u>appeal)</u>	<u>Short plat; short plat revision; short plat alteration;</u> <u>zoning variance; conditional use permit; temporary</u> <u>use permit under K.C.C. chapter 21A.32; temporary</u> <u>use permit for a homeless encampment under K.C.C.</u> <u>21A.45.100; shoreline substantial development</u> <u>permit³; building permit, site development permit or</u> <u>clearing and grading permit for which the department</u> <u>has issued a determination of significance; reuse of</u> <u>public schools; reasonable use exceptions under</u> <u>K.C.C. 21A.24.070.B; preliminary determinations</u> <u>under K.C.C. 20.20.030.B; decisions to approve,</u> <u>condition or deny alteration exceptions or variances to</u> <u>floodplain development regulations under K.C.C.</u> <u>chapter 21A.24; extractive operations under K.C.C.</u> <u>21A.22.050; binding site plan; waivers from the</u> <u>moratorium provisions of K.C.C. 16.82.140 based</u> <u>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 64 of this</u> <u>ordinance).</u>
<u>TYPE</u> <u>3¹</u>	<u>(Recommendation by</u> <u>director, hearing and</u>	<u>Preliminary plat; plat alterations; preliminary plat</u> <u>revisions.</u>

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

1383 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
1384 appeals and appeals of Type 3 and 4 decisions to the council.

1385 ² When an application for a Type 2 decision is combined with other permits requiring
1386 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes
1387 the decision.

1388 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
1389 the state Shorelines Hearings Board and not to the hearing examiner.

1390 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
1391 council at any time. Zone reclassifications that are not consistent with the
1392 Comprehensive Plan require a site-specific land use map amendment and the council's
1393 hearing and consideration shall be scheduled with the amendment to the Comprehensive
1394 Plan under K.C.C. 20.18.040 and 20.18.060.

1395 F. The definitions in K.C.C. 21A.45.020 apply to this section.

1396 ~~7. Open space areas shall ((retain a rural designation)) be given a land use~~

1397 ~~designation and zoning classification consistent with the intended use;~~

1398 ~~8. The open space shall primarily be on the site and shall buffer the surrounding~~

1399 ~~Rural Area or Natural Resource Lands from the new urban development. The ((minimum~~

1400 ~~depth of the)) open space buffer ((shall be one half of the property width, unless the~~

1401 ~~director determines that a smaller buffer of no less than two hundred feet is warranted due~~

1402 ~~to the topography and critical areas on the site,)) shall generally parallel the urban growth~~

1403 ~~area boundary and shall be configured in such a way as to connect with open space on~~

1404 ~~adjacent properties;~~

1405 ~~9. The minimum size of the property to be considered is twenty acres. Smaller~~

1406 ~~parcels may be combined to meet the twenty-acre minimum;~~

1407 ~~10. Urban development under this section shall be limited to residential~~

1408 ~~development and shall be at a minimum density of four dwelling units per acre; and~~

1409 ~~11. The land to be retained in open space is not needed for any facilities necessary~~

1410 ~~to support the urban development((; and));~~

1411 ~~B. A proposal that adds two hundred acres or more to the urban growth area shall~~

1412 ~~also meet the following criteria:~~

1413 ~~1. The proposal shall include a mix of housing types including thirty percent~~

1414 ~~below market rate units affordable to low, moderate and median income households;~~

1415 ~~2. In a proposal in which the thirty percent requirement in subsection B.1. of this~~

1416 ~~section is exceeded, the required open space dedication shall be reduced to three and one-~~

1417 ~~half acres of open space for every one acre added to the urban growth area((;));~~

1418 ~~———— C. A proposal that adds less than two hundred acres to the urban growth area and~~
1419 ~~that meets the affordable housing criteria in subsection B.1. of this section shall be subject~~
1420 ~~to a reduced open space dedication requirement of three and one-half acres of open space~~
1421 ~~for every one acre added to the urban growth area((;));~~

1422 ~~———— D. ((Requests for redesignation)) Proposals shall be evaluated to determine those~~
1423 ~~that are the highest quality, including, but not limited to, consideration of the following:~~

1424 ~~———— 1. Preservation of fish and wildlife habitat, including wildlife habitat networks,~~
1425 ~~and habitat for endangered and threatened species;~~

1426 ~~———— 2. Provision of regional open space connections;~~

1427 ~~———— 3. Protection of wetlands, stream corridors, ground water and water bodies;~~

1428 ~~———— 4. Preservation of unique natural, biological, cultural, historical or archeological~~
1429 ~~resources;~~

1430 ~~———— 5. The size of open space dedication and connection to other open space~~
1431 ~~dedications along the urban growth area boundary; ((and))~~

1432 ~~———— 6. The ability to provide extensions of urban services to the redesignated urban~~
1433 ~~areas;~~

1434 ~~———— 7. The size and configuration of the open space and the county's ability to~~
1435 ~~efficiently manage the property; and~~

1436 ~~———— 8. The potential for public access.~~

1437 ~~———— E. The open space acquired through this program shall be preserved primarily as~~
1438 ~~natural areas, passive recreation sites or resource lands for farming and forestry. The~~
1439 ~~following additional uses may be allowed only if located on a small portion of the open~~
1440 ~~space and provided that these uses are found to be compatible with the site's natural open~~

1441 ~~space values and functions:~~
1442 ~~——— 1. Trails;~~
1443 ~~——— 2. Compensatory mitigation of wetland losses on the urban designated portion of~~
1444 ~~the project, consistent with the King County Comprehensive Plan and K.C.C. chapter~~
1445 ~~21A.24; and~~
1446 ~~==== 3. Active recreation uses not to exceed five percent of the total open space area.~~
1447 ~~The support services and facilities for the active recreation uses may locate within the~~
1448 ~~active recreation area only, and shall not exceed five percent of the total acreage of the~~
1449 ~~active recreation area. The entire open space area, including any active recreation site, is a~~
1450 ~~regional resource. It shall not be used to satisfy the on-site active recreation space~~
1451 ~~requirements in K.C.C. 21A.14.180 for the urban portion of the four to one property.~~

1452 SECTION 1914. Ordinance 13147, Section 34, as amended, and K.C.C.
1453 20.22.170 are hereby amended to read as follows:

1454 A. Upon initiation of a site-specific land use map amendment to the
1455 Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing
1456 to consider the department's written recommendation and to take testimony and receive
1457 additional evidence relating to the proposed amendment. The examiner may consolidate
1458 hearings in accordance with K.C.C. 20.22.110 to the extent practicable. No later than thirty
1459 days after closing the public hearing on the site-specific land use map amendment, the
1460 examiner shall prepare a recommendation that contains written findings and conclusions
1461 regarding whether:

1462 1. Under K.C.C. 20.18.040, a proposed site-specific land use map amendment
1463 may be considered as part of ~~((an))~~ the annual ~~((review cycle))~~ update; and

1464 2. A site-specific land use map amendment is consistent with the applicable
1465 review criteria.

1466 B. The office of the hearing examiner shall compile the written recommendations
1467 on all site-specific land use map amendments made in a year into a single report. The
1468 report shall be filed by January 15 in the form of a paper original and an electronic copy
1469 with the clerk of the council, who shall retain the original and provide an electronic copy to
1470 all councilmembers, the council chief of staff and the lead staff for the ~~((transportation,~~
1471 ~~economy and environment))~~ council committee ~~((or its successor))~~ charged with the review
1472 of the Comprehensive Plan.

1473 ~~SECTION 20.~~ SECTION 15. Ordinance 10870, Section 5, as amended, and
1474 K.C.C. 21A.01.070 are hereby amended to read as follows:

1475 A. The council directs the department to prepare proposed new zoning maps
1476 applying the 1993 King County Zoning Code and transmit within ten months of June 28,
1477 1993, for council review and adoption.

1478 B. The department shall use the table in subsection C. of this section and the
1479 guidelines of this section in preparing an ordinance or ordinances to convert each area
1480 zoning document to the 1993 Zoning Code, with modifications appropriate to be consistent
1481 with the ((e))Comprehensive ((p))Plan land use map and policies, so as to implement the
1482 ((e))Comprehensive ((p))Plan and convert old outright and potential ((zone designations))
1483 zoning classifications to new ones in a consistent manner. ((The provisions of t))This
1484 section also shall apply to conversion of the resource lands area zoning adopted pursuant to
1485 K.C.C. 20.12.390.

1486 C. Conversion table. The following conversion table and criteria contained therein
 1487 shall be used by the department in converting the zoning maps adopted pursuant to
 1488 Resolution 25789 to the 1993 Zoning Code:

<u>RESOLUTION</u> <u>25789 ZONING</u> <u>MAP</u> <u>SYMBOLS</u>	<u>1993 ZONING</u> <u>CODE</u> <u>MAP</u> <u>SYMBOLS</u>	<u>ADDITIONAL CRITERIA</u>
<u>F</u>	<u>F</u>	<u>In Forest Production or Rural Areas</u>
<u>FR</u>	<u>F or RA</u>	<u>Use zone most consistent with the</u> <u>((€))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>((€))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>((€))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/RS9600</u>	<u>R-4</u>	<u>Only in designated urban areas or Rural Towns</u>
<u>SR7200, RS7200</u>	<u>R-6</u>	<u>Only in designated urban areas or Rural 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, RT3600</u>	<u>R-12</u>	
<u>RM2400, RT2400</u>	<u>R-18</u>	
<u>RT, RM1800, RT1800</u>	<u>R-24</u>	
<u>RM900</u>	<u>O or R-48</u>	<u>Apply zoning closest to ((€))Comprehensive ((Ⓟ))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>NB or RB</u>	

<u>B-C, BR-C</u>	<u>CB or RB</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>
<u>C-G</u>	<u>RB</u>	
<u>M-L, M-P, M-H</u>	<u>I</u>	

1489 D. Unclassified Use Permit Mining Operations. In addition to the conversions
1490 set out in the table in subsection C. of this section, all sites legally operating pursuant to
1491 an unclassified use permit for mining operations shall be zoned M (Mineral).

1492 E. Resolution of map conflicts. In cases of ambiguity or conflict between a
1493 community or ((e))Comprehensive ((p))Plan ((map)) land use designation and the
1494 ((zone)) zoning classification applied under the old code, the department shall use the
1495 following guidelines and procedures in recommending new zones:

1496 1. As a general rule, the outright or potential zoning ((designation))
1497 classification applied shall be that which is consistent with the 1994 King County
1498 Comprehensive Plan; adopted community plans, where they do not conflict, may be used
1499 to provide additional guidance;

1500 2. If the application of the guidelines in this subsection leads the department to
1501 propose applying an outright or potential ((zone)) zoning classification from the 1993
1502 Zoning Code that is not functionally equivalent to a classification from the old code as
1503 defined in the table in subsection C. of this section, the department shall notify the owner
1504 of the property proposed for reclassification no later than the council introduction date of
1505 the ordinance amending said property, and the property owner may request a change in

1506 the area zoning in a manner consistent with the procedures used for council review of a
1507 community plan and area zoning.

1508 F. Area-wide P-suffix development conditions. The department shall review all
1509 area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution
1510 25789, and recommend legislation removing all such conditions which conflict with the
1511 ((e))Comprehensive ((p))Plan or have been replaced adequately by standards adopted in
1512 the 1993 zoning code. If P-suffix conditions implement policies in the
1513 ((e))Comprehensive ((p))Plan, then regulations shall be developed by the end of 1995 and
1514 the P-suffix conditions shall be removed. Any P-suffix conditions which implement
1515 policies in community plans which are not in conflict with the ((e))Comprehensive
1516 ((p))Plan but are not adequately addressed by this code shall be carried forward intact
1517 until they are evaluated for replacement by general code revisions in 1995.

1518 G. Site-specific development conditions. Approval conditions for previous zone
1519 reclassifications, planned unit developments, unclassified permits, and P-suffix
1520 conditions applied to individual properties in land use actions pursuant to Resolution
1521 25789, should be recommended for retention wherever they address conditions unique to
1522 a particular property and not addressed by the standards in the Zoning Code.

1523 H. For area zoning documents being converted to the 1993 Zoning Code without
1524 amendments to their respective community plan maps and policies, only requests for
1525 zone changes which meet one of the following criteria shall be considered during either
1526 the department or council review process:

1527 1. As provided in subsection E. of this section;

1528 2. When an applicant can demonstrate that the department's proposal incorrectly
1529 implements an adopted ((e))Comprehensive ((p))Plan map designation or policy in
1530 converting existing zoning to a new ((zone)) zoning classification; or

1531 3. The site is the subject of an application for a Master Planned Development or
1532 Urban Planned Development, and conversion to the 1993 Zoning Code is requested as
1533 part of such application. Rezoning of such sites during the conversion, area zoning
1534 otherwise shall be to Urban Reserve with the urban planned development overlay district
1535 as provided in K.C.C. chapter 21A.38.

1536 I. Requests which do not meet one of the criteria of subsection H. of this section
1537 shall be treated as quasi-judicial reclassification requests which must be formally applied
1538 for according to the process provided for such requests and shall be subject to the criteria
1539 in K.C.C. 20.22.150.

1540 J. Requests for quasi-judicial reclassification that are consistent with the
1541 conversion table illustrated in subsection C. of this section and requests for quasi-judicial
1542 reclassification to the M zone, shall not be subject to the criteria in K.C.C. 20.22.150.

1543 K. Bear Creek MPD's. The following transition provisions shall apply to the
1544 Master Plan Development applications in the Bear Creek Community Plan (BCCP).

1545 1. An applicant may either continue to utilize the procedural provisions of the
1546 BCCP or may utilize the procedural provisions of K.C.C. chapter 21A.39.

1547 2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-
1548 Development Applications previously submitted for the Blakely Ridge MPD and the
1549 Northridge MPD are deemed the equivalent of and accepted as complete applications for
1550 "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

1551 3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix
1552 conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area
1553 Zoning (page 140) shall remain in effect for purposes of considering the UPD
1554 applications, under either the BCCP or K.C.C. chapter 21A.39.

1555 4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or
1556 multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone
1557 and potential ((zone designations)) zoning classifications of the 1993 zoning code.

1558 5. The Novelty Hill Master Plan sites and urban designation adopted and
1559 delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be
1560 considered "UPD Special District Overlays" and "UPD boundary delineations" for
1561 purposes of applying K.C.C. 21A.38.020, 21A.38.070B.1. and ((070B-))2. and K.C.C.
1562 21A.39.020.

1563 SECTION 16. Ordinance 10870, Section 21, and K.C.C. 21A.02.110 are hereby
1564 amended to read as follows:

1565 A. Except when such areas are specifically ~~((designated))~~ classified on the zoning
1566 map as being classified in one of the zones provided in this title, land contained in rights-
1567 of-way for streets or alleys, or railroads shall be considered unclassified.

1568 B. Within street or alley rights-of-way, uses shall be limited to street purposes as
1569 defined by law.

1570 C. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or
1571 other operating devices, movement of rolling stock, utility lines and equipment, and
1572 ~~((facilities accessory to and used directly for the delivery and distribution of services to~~
1573 ~~abutting property))~~ freight-rail dependent uses.

1574 D. Where such right-of-way is vacated, the vacated area shall have the ((zone))
 1575 zoning classification of the adjoining property with which it is first merged.

1576 SECTION 17. Ordinance 10870, Section 22, as amended, and K.C.C.
 1577 21A.04.010 are hereby amended to read as follows:

1578 In order to accomplish the purposes of this title the following zoning
 1579 ((designations)) classifications and zoning map symbols are established:

<u>ZONING ((DESIGNATIONS))</u>	<u>MAP SYMBOL</u>
<u>CLASSIFICATIONS</u>	
<u>Agricultural</u>	<u>A (10 -or 35 acre minimum lot size)</u>
<u>Forest</u>	<u>F</u>
<u>Mineral</u>	<u>M</u>
<u>Rural Area</u>	<u>RA (2.5-acre, 5-acre, 10-acre or 20-acre minimum lot size)</u>
<u>Urban Reserve</u>	<u>UR</u>
<u>Urban Residential</u>	<u>R (base density in dwellings per acre)</u>
<u>Neighborhood Business</u>	<u>NB</u>
<u>Community Business</u>	<u>CB</u>
<u>Regional Business</u>	<u>RB</u>
<u>Office</u>	<u>O</u>
<u>Industrial</u>	<u>I</u>
<u>Regional Use</u>	<u>Case file number following zone's map symbol</u>
<u>Property-specific development</u>	<u>-P(suffix to zone's map symbol)</u>

1591 A. The purposes of the urban reserve zone (UR) are to phase growth and demand
1592 for urban services, and to reserve large tracts of land for possible future growth in
1593 portions of King County designated by the Comprehensive Plan for future urban growth
1594 while allowing reasonable interim uses of property; or to reflect designation by the
1595 Comprehensive Plan of a property or area as part of the urban growth area when a
1596 detailed plan for urban uses and densities has not been completed(~~(; or when the area has~~
1597 ~~been designated as a site for a potential urban planned development or new fully~~
1598 ~~contained community, as provided in K.C.C. 21A.38.070)).~~ These purposes are
1599 accomplished by:

- 1600 1. Allowing for rural, agricultural and other low-density uses;
1601 2. Allowing for limited residential growth, either contiguous to existing urban
1602 public facilities, or at a density supportable by existing rural public service levels; and
1603 3. Requiring clustered residential developments where feasible, to prevent
1604 establishment of uses and lot patterns which may foreclose future alternatives and impede
1605 efficient later development at urban densities.

1606 B. Use of this zone is appropriate in urban areas, rural towns or in rural city
1607 expansion areas designated by the Comprehensive Plan, when such areas do not have
1608 adequate public facilities and services or are not yet needed to accommodate planned
1609 growth, do not yet have detailed land use plans for urban uses and densities, or are
1610 designated as sites for a potential urban planned development or new fully contained
1611 communities.

1612 SECTION 20. Ordinance 10870, Section 35, and K.C.C. 21A.04.140 are hereby
1613 amended to read as follows:

1614 The purpose of the regional use ((~~designation~~)) classification (case file number
1615 following underlying zone's map symbol) is to provide for individual review of certain
1616 proposed uses with unique characteristics and adverse impacts on neighboring properties.
1617 Regional uses are of a size and involve activities which require individual review to
1618 determine compatibility with surrounding uses.

1619 SECTION 21. Ordinance 10870, Section 36, as amended, and K.C.C.
1620 21A.04.150 are hereby amended to read as follows:

1621 The purpose of the property-specific development standards ((~~designation~~))
1622 classification (-P suffix to zone's map symbol) is to indicate that conditions beyond the
1623 minimum requirements of this title have been applied to development on the property,
1624 including but not limited to increased development standards, limits on permitted uses or
1625 special conditions of approval. Property-specific development standards are adopted in
1626 either a reclassification or area zoning ordinance and are shown in a geographic
1627 information system data layer for an individual property maintained by the department.
1628 Regardless of the form in which a property-specific development standard is adopted, the
1629 P-suffix shall be shown on the official zoning map maintained by the department and as a
1630 notation in a geographic information system data layer, which shall be updated as soon as
1631 possible after the effective date of the adopting ordinance adopting a P-suffix standard.

1632 SECTION 22. Ordinance 10870, Section 37, as amended, and K.C.C.
1633 21A.04.160 are hereby amended to read as follows:

1634 The purpose of the special district overlay ((~~designation~~)) classification (-SO suffix
1635 to zone's map symbol) is to carry out Comprehensive Plan and community, subarea or
1636 neighborhood plan policies that identify special opportunities for achieving public benefits

1637 by allowing or requiring alternative uses and development standards that differ from the
1638 general provisions of this title. Special district overlays are generally applied to a group of
1639 individual properties or entire community, subarea or neighborhood planning areas and are
1640 ~~((designated))~~ classified primarily through the area zoning process. Regardless of the form
1641 in which a special district overlay is adopted, the -SO suffix shall be shown on the official
1642 zoning map maintained by the department and as a notation in a geographic information
1643 system data layer, which shall be updated as soon as possible after the effective date of the
1644 adopting ordinance adopting an overlay.

1645 SECTION 23. Ordinance 10870, Section 38, as amended, and K.C.C.
1646 21A.04.170 are hereby amended to read as follows:

1647 ~~A.~~ SECTION 21. The purpose of the potential zone (dashed box surrounding
1648 zone's map symbol) is to ~~((designate))~~ classify properties potentially suitable for future
1649 changes in land uses or densities once additional infrastructure, project phasing or site-
1650 specific public review has been accomplished. Potential zones are ~~((designated))~~ classified
1651 by either area zoning or individual zone reclassification. Area zoning may ~~((designate))~~
1652 classify more than one potential zone on a single property if the community plan designates
1653 alternative uses for the site. Potential zones are actualized in accordance with K.C.C.
1654 chapter 20.20.

1655 B. The use of a potential ~~((zone designation))~~ zoning classification is appropriate
1656 to:

1657 1. Phase development based on availability of public facilities and services or
1658 infrastructure improvements, such as roads, utilities and schools;

1659 2. Prevent existing development from becoming a nonconforming use in areas

1660 that are in transition from previous uses;

1661 3. Allow for future residential density increases consistent with a community

1662 plan; and

1663 4. Provide for public review of proposed uses on sites where some permitted uses

1664 in a ((zone designation)) zoning classification may not be appropriate.

1665 SECTION 24. Ordinance 10870, Section 39, and K.C.C. 21A.04.180 are hereby

1666 amended to read as follows:

1667 The purpose of the interim ((zone designation)) zoning classification (* suffix to

1668 zone's map symbol) is to identify areas where zoning has been applied for a limited period

1669 of time in order to preserve the county's planning options and to protect the public safety,

1670 health and general welfare during an emergency or pending a community, comprehensive

1671 or functional plan amendment process. Any of the zones set forth in this chapter, with or

1672 without -P suffix conditions, may be applied as interim zones. The adopting ordinance

1673 shall state the reasons for the interim zoning and provide for its expiration upon a certain

1674 date or the adoption of a new plan, plan amendment or area zoning.

1675 SECTION 25. Ordinance 10870, Section 42, and K.C.C. 21A.06.010 are hereby

1676 amended as follows:

1677 Accessory living quarters: living quarters in an accessory building for the use of

1678 the occupant or persons employed on the premises, or for temporary use ((of)) by guests

1679 of the occupant. Such quarters ((have no kitchen)) do not include an area for the

1680 preparation or storage of food and are not ((otherwise)) used as a separate dwelling unit.

1681 SECTION 26. Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015

1682 are hereby amended as follows:

1683 Accessory use, commercial/industrial: an accessory use to a commercial or
1684 industrial use, including, but not limited to:
1685 A. Administrative offices;
1686 B. Employee exercise facilities;
1687 C. Employee food service facilities;
1688 D. Incidental storage of raw materials and finished products sold or manufactured
1689 on-site;
1690 E. Business owner or caretaker residence;
1691 F. Cogeneration facilities; ((and))
1692 G. Ground maintenance facilities; and
1693 H. Consumer-scale renewable energy systems.

1694 SECTION 27. Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020
1695 are hereby amended as follows:

1696 Accessory use, residential: an accessory use to a residential use, including, but
1697 not limited to:
1698 A. Accessory living quarters and dwellings;
1699 B. Fallout or bomb shelters;
1700 C. Keeping household pets or operating a hobby cattery or hobby kennel;
1701 D. On-site rental office;
1702 E. Pools, private docks or piers;
1703 F. Antennae for private telecommunication services;
1704 G. Storage of yard maintenance equipment;
1705 H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;

- 1706 I. Greenhouses;
- 1707 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas
- 1708 required under K.C.C. 21A.14.190; (~~and~~)
- 1709 K. Home occupations and home industries under K.C.C. chapter 21A.30; and
- 1710 L. Consumer-scale renewable energy systems.

1711 SECTION 28. Ordinance 10870, Section 45, as amended and K.C.C. 21A.06.025
1712 are hereby amended as follows:

1713 Accessory use, resource: an accessory use to a resource use, including, but not
1714 limited to:

- 1715 A. Housing of agricultural workers; (~~and~~)
- 1716 B. Storage of agricultural products or equipment used on site; and
- 1717 C. Consumer-scale renewable energy systems.

1718 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter 21A.06
1719 a new section to read as follows:

1720 Consumer-scale renewable energy system: a facility that produces on-site energy
1721 using renewable resources, such as solar, wind or geothermal, for the property on which
1722 the facility is located. A consumer-scale renewable energy system does not include
1723 energy generated at a scale for sale or donation to others, excluding net metering.

1724 SECTION 30. K.C.C. 21A.06.150, as amended by this ordinance, is hereby
1725 recodified as a new section in K.C.C. chapter 21A.06.

1726 SECTION 2231. Ordinance 11157, Section 29, and K.C.C. 21A.06.150 are
1727 hereby amended to read as follows:

1728 ((Bulk)) Local distribution gas storage tanks: A tank that is not a Fossil Fuel
1729 Facility tank((s)): ((A)) a tank from which illuminating, heating, or liquefied gas is
1730 distributed by piping directly to individual users. A local distribution gas storage tank is
1731 not a fossil fuel facility.

1732 SECTION 2332. Ordinance 13319, Section 3, and K.C.C. 21A.06.197 are hereby
1733 amended to read as follows:

1734 Coal mine by-products stockpiles: stockpile(s): an accumulation, greater than five
1735 hundred cubic yards and five feet of vertical depth, of undisturbed waste and/or byproduct
1736 materials having greater than fifty percent, as measured by weight, of ((~~mineral~~)) coal or
1737 coal shale as a component and which resulted from historic coal mining.

1738 NEW SECTION. SECTION 2433. There is hereby added to K.C.C. chapter
1739 21A.06 a new section to read as follows:

1740 Fossil fuels: coal, petroleum and petroleum products, such as crude oil and
1741 gasoline, coal and gaseous fuels, such as natural gas and, such as methane, propane, that
1742 occur naturally beneath the earth's surface and are and butane, derived from decayed plants
1743 and animals that lived millions of years ago and are prehistoric organic matter and used
1744 primarily as a source of to generate energy. Fossil fuels do not include:

1745 A. Petrochemicals that are used primarily for non-fuel products, such as asphalt,
1746 plastics, lubricants, fertilizer, roofing and paints;

1747 B. Denatured Fuel additives, such as denatured ethanol and similar fuel additives
1748 and, or renewable fuels, such as biodiesel or renewable diesel with less than five percent
1749 fossil fuel content; or

1750 C. Methane generated from the waste management process, such as wastewater

1751 treatment, anaerobic digesters, landfill waste management, livestock manure and
1752 composting processes.

1753 NEW SECTION. SECTION 2534. There is hereby added to K.C.C. chapter
1754 21A.06 a new section to read as follows:

1755 Fossil fuel facility: a commercial facility used primarily to receive, store, refine,
1756 process, transfer, wholesale trade or transport ~~of~~ fossil fuels, such as, but not limited to,
1757 bulk terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel
1758 facilities do not include: individual storage facilities of up to thirty thousand gallons and
1759 total cumulative facilities per site of sixty thousand gallons for the purposes of retail or
1760 direct-to-consumer sales, facilities or activities for local consumption; ~~non-~~
1761 ~~commercial~~noncommercial facilities, such as storage for educational, scientific or
1762 governmental use; or uses preempted by federal rule or law.

1763 ~~NEW SECTION. SECTION 26 35. There is hereby added to K.C.C. chapter~~
1764 ~~21A.06 a new section to read as follows:~~

1765 ~~———— Fossil fuel facility type I: a fossil fuel facility that includes any combination of~~
1766 ~~liquid fossil fuel storage capacity of up to three hundred seventy eight thousand~~
1767 ~~gallons or dry storage of one thousand four hundred twenty five cubic yards.~~

1768 ~~===== NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter 21A.06~~
1769 ~~a new section to read as follows:~~

1770 ~~———— Fossil fuel facility type II: a fossil fuel facility that includes any combination of~~
1771 ~~fossil fuel liquid storage capacity of more than three hundred seventy eight thousand~~
1772 ~~gallons or dry storage of one thousand four hundred twenty five cubic yards.~~

1773 ~~———— SECTION 28. Ordinance 10870, Section 201, and K.C.C. 21A.06.805 are hereby~~

1774 amended to read as follows:

1775 ~~Nonhydro~~ Non-hydro((-)electric generation facility: an establishment for the
1776 generation of electricity by nuclear reaction, burning fossil fuels((;)) or other electricity
1777 generation methods, ~~except for fossil fuels generated as a by-product in the waste~~
1778 ~~management process, such as wastewater treatment, anaerobic digesters, landfill~~
1779 ~~waste management, livestock manure and composting processes~~excluding renewable
1780 energy.

1781 NEW SECTION. SECTION 2936. There is hereby added to K.C.C. chapter
1782 21A.06 a new section to read as follows:

1783 Petroleum refining and related industries: uses in SIC Industry No. 2911,
1784 excluding fossil fuel facilities.

1785 NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter
1786 21A.06 a new section to read as follows:

1787 Renewable energy generation facility: a solar energy system, including a
1788 community solar project, geothermal system or a wind generator, used for generating
1789 electricity. Renewable energy generation facility does not include consumer-scale
1790 renewable energy systems.

1791 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter
1792 21A.06 a new section to read as follows:

1793 Sea level rise protection elevation: three feet above the base flood elevation
1794 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,
1795 2020, for the adjacent coastal high hazard area flood zone. The sea level rise protection
1796 elevation only applies to Vashon-Maury Island.

1797 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter 21A.06

1798 a new section to read as follows:

1799 Sea level rise risk area. ~~Lands:~~ lands on Vashon-Maury Island adjacent to a
1800 coastal high hazard area that extend landward to an elevation three feet above the base
1801 flood elevation ~~of the adjacent~~ identified in the Flood Insurance Study and Flood
1802 Insurance Rate Map, dated August 19, 2020, for the adjacent coastal high hazard area
1803 flood zone.

1804 SECTION 3040. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are
1805 hereby amended to read as follows:

1806 Utility facility: a facility for the distribution or transmission of services, including:

1807 A. Telephone exchanges;

1808 B. Water pipelines, pumping or treatment stations;

1809 C. Electrical substations;

1810 D. Water storage reservoirs or tanks;

1811 E. Municipal groundwater well-fields;

1812 F. Regional surface water flow control and water quality facilities;

1813 G. Natural gas pipelines, gate stations and limiting stations, limited to local

1814 distribution service, and excluding fossil fuel facilities;

1815 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving

1816 multiple lots or uses from which fuel is distributed directly to individual users, limited to

1817 local distribution service, and excluding fossil fuel facilities;

1818 I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor

1819 control facilities; and

1820 J. Communication cables, electrical wires and associated structural supports.

1821 SECTION 3141. Ordinance 10870, Section 315, and K.C.C. 21A.06.1375 are

1822 hereby amended to read as follows:

1823 Warehousing and wholesale trade: establishments involved in the storage and/or

1824 sale of bulk goods for resale or assembly, excluding establishments offering the sale of

1825 bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070

1826 and excluding local distribution gas storage tanks as defined by this chapter. These

1827 establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry

1828 Group Nos. 422 and 423, excluding fossil fuels and fossil fuel facilities.

1829 SECTION 3242. Ordinance 10870, Section 330, as amended, and K.C.C.

1830 21A.08.030 are hereby amended to read as follows:

1831 A. Residential land uses.

P-Permitted Use		RESOURCE			R U	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
C-Conditional Use					RA								
S-Special Use					L								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12	NB	CB	RB	O	I
	DWELLING UNITS, TYPES:												
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P15				
*	Townhouse				C4	C4	P11 C12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home Park				S13		C8	P					
*	Cottage Housing						P15						
	GROUP												

	RESIDENCES:											
*	Community Residential Facility-I				C	C	P14. a C	P	P3	P3	P3	P3
*	Community Residential Facility-II						P14. b	P	P3	P3	P3	P3
*	Dormitory				C6	C6	C6	P				
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3
	ACCESSORY USES:											
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18
*	Home Industry	C			C	C	C					
	TEMPORARY LODGING:											
7011	Hotel/Motel (1)									P	P	P
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10	
7041	Organization Hotel/Lodging Houses						P17				P	

1832

B. Development conditions.

1833

1. Except bed and breakfast guesthouses.

1834

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

1835

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

1836

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

1837

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

1838

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

1839

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

1840

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

1841

21A.30. Animal densities shall be based on the area devoted to animal care and not the

1842 total area of the lot;

1843 b. A forest management plan shall be required for any new residence in the
1844 forest production district, that shall be reviewed and approved by the King County
1845 department of natural resources and parks before building permit issuance; and

1846 c. The forest management plan shall incorporate a fire protection element that
1847 includes fire safety best management practices developed by the department.

1848 3. Only as part of a mixed use development subject to the conditions of K.C.C.
1849 chapter 21A.14, except that in the NB zone on properties with a land use designation of
1850 commercial outside of center (CO) in the urban areas, stand-alone townhouse
1851 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
1852 21A.14.180.

1853 4. Only in a building listed on the National Register as an historic site or
1854 designated as a King County landmark subject to K.C.C. chapter 21A.32.

1855 5.a. In the R-1 zone, apartment units are permitted, if:

1856 (1) At least fifty percent of the site is constrained by unbuildable critical
1857 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,
1858 aquatic areas and slopes forty percent or steeper and associated buffers; and

1859 (2) The density does not exceed a density of eighteen units per acre of net
1860 buildable area.

1861 b. In the R-4 through R-8 zones, apartment units are permitted if the density
1862 does not exceed a density of eighteen units per acre of net buildable area.

1863 c. If the proposal will exceed base density for the zone in which it is proposed,
1864 a conditional use permit is required.

1865 6. Only as accessory to a school, college, university or church.

1866 7.a. Accessory dwelling units are subject to the following standards:

1867 (1) Only one accessory dwelling per primary single detached dwelling or

1868 townhouse unit;

1869 (2) Only allowed in the same building as the primary dwelling unit ~~((on))~~,

1870 except that detached accessory dwelling units are allowed when there is no more than one

1871 primary dwelling unit on the lot, and the following conditions are met:

1872 (a) ~~((an urban lot that is less than ((five)) three thousand six hundred square~~

1873 ~~feet in area;~~

1874 ~~—————(b) a lot in a rural town that is less than))~~ the lot must be three thousand

1875 sixtwo hundred square feet in or greater if located in the urban area; or a rural town; or

1876 ~~(e) b) ((except as otherwise provided in subsection B.7.a.(5) of this section,~~

1877 ~~a rural lot outside of a rural town that is less than the minimum lot size; or~~

1878 ~~—————((c.))(d) a lot containing more than one primary dwelling;~~

1879 ~~—————e. a lot containing more than one primary dwelling))~~ the lot must meet the

1880 minimum lot area for the applicable zone if located in the rural area but not in a rural

1881 town, except that if one transferable development right is purchased from the Rural Area

1882 or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling

1883 unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;

1884 (3) ~~((The primary dwelling unit or the accessory dwelling unit shall be owner~~

1885 ~~occupied;~~

1886 (4)(a) ~~Except as otherwise provided in subsection B.7.a.(5) of this section,~~

1887 ~~one of the))~~ The accessory dwelling ~~units~~ unit(s) shall not exceed one thousand square

1888 feet of heated floor area ~~except when~~ and one thousand square feet of the dwelling units is
1889 ~~wholly contained within a basement or attic; ((and))~~ unheated floor area except:
1890 (a) when ((one of)) the accessory dwelling unit((s)) is wholly contained
1891 within a basement or attic, this limitation does not apply; ((and))
1892 (b) ~~((When the primary and accessory dwelling units are located in the same~~
1893 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~
1894 ~~entrance may be located on each street; and~~
1895 ~~— (c) Accessory (5) On))~~ for detached accessory dwelling units shall not
1896 exceed, the base height as established floor area contained in 21A.12.030; a basement does
1897 not count toward the floor area maximum; or
1898 ~~(5) On (c) on~~ a site zoned RA:(:
1899 ~~(a) If))~~ if one transferable development right is purchased from the Rural
1900 Area or Natural Resource Lands under K.C.C. chapter 21A.37, the ((smaller of the))
1901 accessory dwelling unitsunit((s)) is permitted a maximum heated floor area ((up to)) of
1902 one thousand five hundred square feet; and one thousand five hundred square feet of
1903 unheated floor area; ((and
1904 (b) ~~If one transferable development right is purchased from the Rural Area~~
1905 ~~or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling~~
1906 ~~unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than~~
1907 ~~three and three-quarters acres;~~
1908 ~~((One additional off-street parking space shall be provided;))~~
1909 (4) Accessory dwelling units that are not wholly contained within an existing
1910 dwelling unit shall not exceed the base height established in 21A.12.030;

1911 (5) When the primary and accessory dwelling units are located in the same
1912 building, or in multiple buildings connected by a breezeway or other structure, only one
1913 entrance may front a street;

1914 (6) No additional off-street parking spaces are required for accessory
1915 dwelling units;

1916 (7) The primary dwelling unit or the accessory dwelling unit shall be
1917 occupied either by the owner of the primary dwelling unit or by an immediate family
1918 member of the owner. Immediate family members are limited to spouses, siblings,
1919 parents, grandparents, children and grandchildren, either by blood, adoption or marriage,
1920 of the owner. The accessory dwelling unit shall be converted to another permitted use or
1921 shall be removed if ((one of the)) neither dwelling unitsunit((s ceases to be owner)) is
1922 occupied; ~~by the owner or an immediate family member; ((and))~~

1923 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
1924 approved by the department of executive services, records and licensing services
1925 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
1926 The applicant shall submit proof that the notice was filed before the department ~~((shall~~
1927 ~~approve)) approves~~ any permit for the construction of the accessory dwelling unit. The
1928 required contents and form of the notice shall be set forth in administrative rules ~~((If an~~
1929 ~~accessory dwelling unit in a detached building in the rural zone is subsequently converted~~
1930 ~~to a primary unit on a separate lot, neither the original lot nor the new lot may have an~~
1931 ~~additional detached accessory dwelling unit constructed unless the lot is at least twice the~~
1932 ~~minimum lot area required in the zone;)); and~~

1933 (9) Accessory dwelling units ~~((and accessory living quarters))~~ are not allowed

1934 in the F zone.

1935 b. Accessory living quarters:

1936 (1) are limited to one per lot;

1937 (2) are allowed only on lots of three thousand two hundred square feet or
1938 greater when located in the urban area or a rural town;

1939 (3) shall not exceed the base height as established in K.C.C. 21A.12.030;

1940 (4) shall not exceed one thousand square feet of heated floor area and one
1941 thousand square feet of unheated floor area; and

1942 (5) are not allowed in the F zone.

1943 c. One single or twin engine, noncommercial aircraft shall be permitted only
1944 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody
1945 or landing field, but only if there are:

1946 (1) no aircraft sales, service, repair, charter or rental; and

1947 (2) no storage of aviation fuel except that contained in the tank or tanks of the
1948 aircraft.

1949 ~~(e. Accessory living quarters:~~

1950 ~~(1) shall not include an area within the building intended for the preparation~~
1951 ~~and storage of food;~~

1952 ~~(2) are limited to one per lot;~~

1953 ~~(3) the minimum lot size for detached accessory living quarters in the urban~~
1954 ~~area and in rural towns is three thousand six hundred square feet;~~

1955 ~~(4) shall not exceed the base height in K.C.C. 21A.12.030;~~

1956 ~~(5) shall not exceed one thousand square feet of heated floor; and~~

1957

~~(6) are not allowed in the F zone.~~

1958

~~.) d.~~ Buildings for residential accessory uses in the RA and A zone shall not

1959

exceed five thousand square feet of gross floor area, except for buildings related to

1960

agriculture or forestry.

1961

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

1962

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

1963

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

1964

b. The number of persons accommodated per night shall not exceed five,

1965

except that a structure that satisfies the standards of the International Building Code as

1966

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

1967

night.

1968

10. Only if part of a mixed use development, and subject to the conditions of

1969

subsection B.9. of this section.

1970

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

1971

exceeding base density.

1972

12. Required before approving more than one dwelling on individual lots,

1973

except on lots in subdivisions, short subdivisions or binding site plans approved for

1974

multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.

1975

of this section.

1976

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

1977

14.a. Limited to domestic violence shelter facilities.

1978

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

1979

residents or staff.

1980 15. Only in the R4-R8 zones ~~((limited to))~~ subject to the following standards:

1981 a. ~~((developments no larger than one acre;~~

1982 b. ~~not adjacent to another cottage housing development such that the total~~

1983 ~~combined land area of the cottage housing developments exceeds one acre;~~

1984 e. ~~); All units must be)~~ Developments shall contain only cottage housing

1985 units with no ~~((less))~~ fewer than three units ~~((and no more than sixteen units))~~; ~~((~~

1986 ~~provided that))~~ but only if). If the site contains an existing home that is not being

1987 demolished, the existing house is not required to comply with the height limitation in

1988 K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B;

1989 and;

1990 b. Cottage housing developments should consider including a variety of

1991 housing sizes, such as units with a range of bedroom sizes or total floor area; and

1992 ~~((c.))~~ bc. Before filing an application with the department, the applicant shall

1993 hold a community meeting in accordance with K.C.C. 20.20.035.

1994 16. The development for a detached single-family residence shall be consistent

1995 with the following:

1996 a. The lot must have legally existed before March 1, 2005;

1997 b. The lot has a Comprehensive Plan land use designation of Rural

1998 Neighborhood Commercial Center or Rural Area; and

1999 c. The standards of this title for the RA-5 zone shall apply.

2000 17. ~~Repealed~~ Only in the R-1 zone as an accessory to a golf facility and

2001 consistent with K.C.C. 21A.08.040.

2002 18. Allowed if consistent with K.C.C. chapter 21A.30.

2003

SECTION 3343. Ordinance 10870, Section 333, as amended, and K.C.C.

2004

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

2005

A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vector 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	Farm Product											P
4222	Warehousing, Refrigeration and Storage (38)											
*	Log Storage (38)		P		P26 and 33							P
47	Transportation Service											P39
473	Freight and Cargo Service									P	P	P
472	Passenger Transportation Service								P	P	P	
48	Communication Offices									P	P	P
482	Telegraph and other Communications								P	P	P	P
*	General Business Service							P	P	P	P	P16
*	Professional Office							P	P	P	P	P16
7312	Outdoor Advertising Service									P	P17	P
735	Miscellaneous Equipment Rental								P17	P	P17	P
751	Automotive Rental and Leasing								P	P		P
752	Automotive Parking							P20a	P20b	P21	P20 a	P
*	Off-Street Required				P32	P32	P32	P32	P32	P32	P32	P32

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

2006

B. Development conditions.

2007

1. Except self-service storage.

2008

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

2009

Educational Research, see general business service/office.

2010

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

2011

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

2012

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

2013

thousand five hundred square feet of floor area.

2014

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

2015

21A.32.

2016

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

2017

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

2018

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

2019

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

2020

Rural Town.

2021 6.a. All buildings and structures shall maintain a minimum distance of twenty
2022 feet from property lines adjoining rural area and residential zones;
2023 b. Any buildings from which fire-fighting equipment emerges onto a street
2024 shall maintain a distance of thirty-five feet from such street;
2025 c. No outdoor storage; and
2026 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
2027 feasible alternative location is possible.

2028 7. Limited to storefront police offices. Such offices shall not have:
2029 a. holding cells;
2030 b. suspect interview rooms (except in the NB zone); or
2031 c. long-term storage of stolen properties.

2032 8. Private stormwater management facilities serving development proposals
2033 located on commercial/industrial zoned lands shall also be located on
2034 commercial/industrial lands, unless participating in an approved shared facility drainage
2035 plan. Such facilities serving development within an area designated urban in the King
2036 County Comprehensive Plan shall only be located in the urban area.

2037 9. No outdoor storage of materials.

2038 10. Limited to office uses.

2039 11. Limited to self-service household moving truck or trailer rental accessory to
2040 a gasoline service station.

2041 12. Limited to self-service household moving truck or trailer rental accessory to
2042 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

2043 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

- 2044 14. Accessory to an apartment development of at least twelve units provided:
- 2045 a. The gross floor area in self service storage shall not exceed the total gross
- 2046 floor area of the apartment dwellings on the site;
- 2047 b. All outdoor lights shall be deflected, shaded and focused away from all
- 2048 adjoining property;
- 2049 c. The use of the facility shall be limited to dead storage of household goods;
- 2050 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
- 2051 similar equipment;
- 2052 e. No outdoor storage or storage of flammable liquids, highly combustible or
- 2053 explosive materials or hazardous chemicals;
- 2054 f. No residential occupancy of the storage units;
- 2055 g. No business activity other than the rental of storage units; and
- 2056 h. A resident director shall be required on the site and shall be responsible for
- 2057 maintaining the operation of the facility in conformance with the conditions of approval.
- 2058 i. Before filing an application with the department, the applicant shall hold a
- 2059 community meeting in accordance with K.C.C. 20.20.035.
- 2060 15. Repealed.
- 2061 16. Only as an accessory use to another permitted use.
- 2062 17. No outdoor storage.
- 2063 18. Only as an accessory use to a public agency or utility yard, or to a transfer
- 2064 station.
- 2065 19. Limited to new commuter parking lots designed for thirty or fewer parking
- 2066 spaces or commuter parking lots located on existing parking lots for churches, schools, or

|
2067 other permitted nonresidential uses that have excess capacity available during
2068 commuting; provided that the new or existing lot is adjacent to a designated arterial that
2069 has been improved to a standard acceptable to the department of local services;

2070 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,
2071 and

2072 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall
2073 be:

2074 (1) permitted only on parcels located within Vashon Town Center;

2075 (2) accessory to a gas or automotive service use; and

2076 (3) limited to no more than ten vehicles.

2077 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
2078 vehicles.

2079 22. Storage limited to accessory storage of commodities sold at retail on the
2080 premises or materials used in the fabrication of commodities sold on the premises.

2081 23. Limited to emergency medical evacuation sites in conjunction with police,
2082 fire or health service facility. Helistops are prohibited from the UR zone only if the
2083 property is located within a designated unincorporated Rural Town.

2084 24. Allowed as accessory to an allowed use.

2085 25. Limited to private road ambulance services with no outside storage of
2086 vehicles.

2087 26. Limited to two acres or less.

2088 27a. Utility yards only on sites with utility district offices; or

2089 b. Public agency yards are limited to material storage for road maintenance

2090 facilities.

2091 28. Limited to ((bulk)) local distribution gas storage tanks that pipe to individual
2092 residences but excluding liquefied natural gas storage tanks.

2093 29. Excluding ((bulk)) local distribution gas storage tanks.

2094 30. For I-zoned sites located outside the urban growth area designated by the
2095 King County Comprehensive Plan, uses shall be subject to the provisions for rural
2096 industrial uses in K.C.C. chapter 21A.12.

2097 31. Vactor waste treatment, storage and disposal shall be limited to liquid
2098 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
2099 in tanks (or other covered structures), as well as enclosed buildings.

2100 32. Provided:

2101 a. Off-street required parking for a land use located in the urban area must be
2102 located in the urban area;

2103 b. Off-street required parking for a land use located in the rural area must be
2104 located in the rural area; and

2105 c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street
2106 required parking must be located on a lot that would permit, either outright or through a
2107 land use permit approval process, the land use the off-street parking will serve.

2108 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
2109 be located on a site in the NB zone, off-street required parking may be located on a site
2110 within three hundred feet of the social service agency, regardless of zoning classification
2111 of the site on which the parking is located.

2112 33. Subject to review and approval of conditions to comply with trail corridor

2113 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

2114 34. Limited to landscape and horticultural services (SIC 078) that are accessory
 2115 to a retail nursery, garden center and farm supply store. Construction equipment for the
 2116 accessory use shall not be stored on the premises.

2117 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
 2118 use.

2119 36. Repealed.

2120 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
 2121 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
 2122 use shall not exceed ten thousand square feet.

2123 38. If the farm product warehousing, refrigeration and storage, or log storage, is
 2124 associated with agriculture activities it will be reviewed in accordance with K.C.C.
 2125 21A.08.090.

2126 39. Excluding fossil fuel facilities.

2127 ~~40.~~ SECTION 44. Ordinance 10870, Section 334, as amended, and K.C.C.
 2128 21A.08.070 are hereby amended to read as follows:

2129 A. Retail land uses.

<u>P-Permitted Use</u>		<u>RESOURCE</u>			<u>RURAL</u>	<u>RESIDENTIAL</u>			<u>COMMERCIAL/INDUSTRIAL</u>				
<u>C-Conditional Use</u>													
<u>S-Special Use</u>													
<u>SIC#</u>	<u>SPECIFIC LAND USE</u>	<u>A</u>	<u>F</u>	<u>M</u>	<u>RA</u>	<u>UR</u>	<u>R1-8</u>	<u>R12-48</u>	<u>NB</u>	<u>CB</u>	<u>RB</u>	<u>O</u>	<u>I (30)</u>
*	Building Materials and Hardware Stores		P23						P2	P	P		

* _	Retail Nursery, Garden Center and Farm Supply Stores	<u>P1</u> <u>C1</u>			<u>P1 C1</u>				<u>P</u>	<u>P</u>	<u>P</u>		
* _	Forest Products Sales	<u>P3</u> <u>and</u> <u>4</u>	<u>P4</u>		<u>P3 and 4</u>						<u>P</u>		
* _	Department and Variety Stores					<u>C14a</u>	<u>P14</u>	<u>P5</u>	<u>P</u>	<u>P</u>			
54	Food Stores					<u>C15a</u>	<u>P15</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P6</u>	
* _	Agricultural Product Sales (28)						<u>P25</u>	<u>P25</u>	<u>P25</u>	<u>P25</u>	<u>P25</u>	<u>P25</u>	<u>P25</u>
* _	Farmers Market	<u>P24</u>	<u>P24</u>		<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>
* _	Motor Vehicle and Boat Dealers										<u>P8</u>		<u>P</u>
553	Auto Supply Stores								<u>P9</u>	<u>P9</u>			<u>P</u>
554	Gasoline Service Stations							<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>
56	Apparel and Accessory Stores								<u>P</u>	<u>P</u>			
* _	Furniture and Home Furnishings Stores								<u>P</u>	<u>P</u>			
58	Eating and Drinking Places				<u>P21 C19</u>		<u>P20</u> <u>C16</u>	<u>P20</u> <u>P16</u>	<u>P10</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

(*)	<u>Remote Tasting Room</u>				<u>P13</u>					<u>P7</u>	<u>P7</u>		
*	<u>Drug Stores</u>						<u>C15</u>	<u>P15</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	
*	<u>Marijuana retailer</u>									<u>P26</u> <u>C27</u>	<u>P26</u> <u>C27</u>		
592	<u>Liquor Stores</u>	<u>P13</u>			<u>P13</u>	<u>P13</u>			<u>P13</u>	<u>P</u>	<u>P</u>		
593	<u>Used Goods: Antiques/ Secondhand Shops</u>									<u>P</u>	<u>P</u>		
*	<u>Sporting Goods and Related Stores</u>			<u>P22</u>	<u>P22</u>	<u>P22</u>	<u>P22</u>	<u>P22</u>	<u>P22</u>	<u>P</u>	<u>P</u>	<u>P22</u>	<u>P22</u>
*	<u>Book, Stationery, Video and Art Supply Stores</u>						<u>C15a</u>	<u>P15</u>	<u>P</u>	<u>P</u>	<u>P</u>		
*	<u>Jewelry Stores</u>									<u>P</u>	<u>P</u>		
*	<u>Monuments, Tombstones, and Gravestones</u>										<u>P</u>		
*	<u>Hobby, Toy, Game Shops</u>								<u>P</u>	<u>P</u>	<u>P</u>		
*	<u>Photographic and Electronic Shops</u>								<u>P</u>	<u>P</u>	<u>P</u>		
*	<u>Fabric Shops</u>									<u>P</u>	<u>P</u>		
598	<u>Fuel Dealers</u>									<u>C11</u>	<u>P</u>		<u>P</u>
*	<u>Florist Shops</u>						<u>C15a</u>	<u>P15</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
*	<u>Personal Medical Supply Stores</u>									<u>P</u>	<u>P</u>		
*	<u>Pet Shops</u>								<u>P</u>	<u>P</u>	<u>P</u>		

*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

2130

B. Development conditions.

2131

1.a. As a permitted use, covered sales areas shall not exceed a total area of two

2132

thousand square feet, unless located in a building designated as historic resource under

2133

K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three

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thousand five hundred square feet may be allowed. Greenhouses used for the display of

2135

merchandise other than plants shall be considered part of the covered sales area.

2136

Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not

2137

considered part of the covered sales area;

2138

b. The site area shall be at least four and one-half acres;

2139

c. Sales may include locally made arts and crafts; and

2140

d. Outside lighting is permitted if no off-site glare is allowed.

2141

2. Only hardware stores.

2142

3.a. Limited to products grown on site.

2143

b. Covered sales areas shall not exceed a total area of five hundred square feet.

2144

4. No permanent structures or signs.

2145

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a

2146

maximum of two thousand square feet of gross floor area.

2147

6. Limited to a maximum of five thousand square feet of gross floor area.

2148

7. ((Off-street parking is limited to a maximum of one space per fifty square feet

2149

of tasting and retail areas)) Repealed.

- 2150 8. Excluding fossil fuels and fossil retail sale of trucks exceeding one-ton
2151 capacity.
- 2152 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 2153 10. Excluding SIC Industry No. 5813-Drinking Places.
- 2154 11. No outside storage of fuel facilities trucks and equipment.
- 2155 12. Excluding vehicle and livestock auctions.
- 2156 13. ((Permitted as part of the demonstration project authorized by K.C.C.
2157 21A.55.110)) Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
2158 and limited to sales of products produced on site and incidental items where the majority
2159 of sales are generated from products produced on site.
- 2160 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
2161 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
2162 21A.12.230; and
- 2163 b. Before filing an application with the department, the applicant shall hold a
2164 community meeting in accordance with K.C.C. 20.20.035.
- 2165 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
2166 feet of gross floor area and subject to K.C.C. 21A.12.230; and
- 2167 b. Before filing an application with the department, the applicant shall hold a
2168 community meeting in accordance with K.C.C. 20.20.035.
- 2169 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
2170 Places, and limited to a maximum of five thousand square feet of gross floor area and
2171 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

2172 b. Before filing an application with the department, the applicant shall hold a
2173 community meeting in accordance with K.C.C. 20.20.035.

2174 17. Repealed.

2175 18. Repealed.

2176 19. Only as:

2177 a. an accessory use to a permitted manufacturing or retail land use, limited to
2178 espresso stands to include sales of beverages and incidental food items, and not to include
2179 drive-through sales; or

2180 b. an accessory use to a recreation or multiuse park, limited to a total floor area
2181 of three thousand five hundred square feet.

2182 20. Only as:

2183 a. an accessory use to a recreation or multiuse park; or

2184 b. an accessory use to a park and limited to a total floor area of one thousand
2185 five hundred square feet.

2186 21. Accessory to a park, limited to a total floor area of seven hundred fifty
2187 square feet.

2188 22. Only as an accessory use to:

2189 a. a large active recreation and multiuse park in the urban growth area; or

2190 b. a park, or a recreation or multiuse park in the RA zones, and limited to a
2191 total floor area of seven hundred and fifty square feet.

2192 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
2193 Industry No. 2431-Millwork and;

2194 a. limited to lumber milled on site; and

2195 b. the covered sales area is limited to two thousand square feet. The covered
2196 sales area does not include covered areas used to display only milled lumber.

2197 24. Requires at least five farmers selling their own products at each market and
2198 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
2199 vendors.

2200 25. Limited to sites located within the urban growth area and:

2201 a. The sales area shall be limited to three hundred square feet and must be
2202 removed each evening;

2203 b. There must be legal parking that is easily available for customers; and

2204 c. The site must be in an area that is easily accessible to the public, will
2205 accommodate multiple shoppers at one time and does not infringe on neighboring
2206 properties.

2207 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet
2208 of gross floor area devoted to, and in support of, the retail sale of marijuana.

2209 b. Notwithstanding subsection B.26.a. of this section, the maximum
2210 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
2211 may be increased to up to three thousand square feet if the retail outlet devotes at least
2212 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and
2213 the operator maintains a current medical marijuana endorsement issued by the
2214 Washington state Liquor and Cannabis Board.

2215 c. Any lot line of a lot having any area devoted to retail marijuana activity
2216 must be one thousand feet or more from any lot line of any other lot having any area
2217 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new

2218 retail marijuana activity may not be within one thousand feet of any lot line of any lot
2219 having any area devoted to existing retail marijuana activity.

2220 d. Whether a new retail marijuana activity complies with this locational
2221 requirement shall be determined based on the date a conditional use permit application
2222 submitted to the department of local services, permitting division, became or was deemed
2223 complete, and:

2224 (1) if a complete conditional use permit application for the proposed retail
2225 marijuana use was not submitted, or if more than one conditional use permit application
2226 became or was deemed complete on the same date, then the director shall determine
2227 compliance based on the date the Washington state Liquor and Cannabis Board issues a
2228 Notice of Marijuana Application to King County;

2229 (2) if the Washington state Liquor and Cannabis Board issues more than one
2230 Notice of Marijuana Application on the same date, then the director shall determine
2231 compliance based on the date either any complete building permit or change of use
2232 permit application, or both, were submitted to the department declaring retail marijuana
2233 activity as an intended use;

2234 (3) if more than one building permit or change of use permit application was
2235 submitted on the same date, or if no building permit or change of use permit application
2236 was submitted, then the director shall determine compliance based on the date a complete
2237 business license application was submitted; and

2238 (4) if a business license application was not submitted or more than one
2239 business license application was submitted, then the director shall determine compliance
2240 based on the totality of the circumstances, including, but not limited to, the date that a

2241 retail marijuana license application was submitted to the Washington state Liquor and
2242 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease
2243 or purchased the lot at issue for the purpose of retail marijuana use and any other facts
2244 illustrating the timing of substantial investment in establishing a licensed retail marijuana
2245 use at the proposed location.

2246 e. Retail marijuana businesses licensed by the Washington state Liquor and
2247 Cannabis Board and operating within one thousand feet of each other as of August 14,
2248 2016, and retail marijuana businesses that do not require a permit issued by King County,
2249 that received a Washington state Liquor and Cannabis Board license to operate in a
2250 location within one thousand feet of another licensed retail marijuana business prior to
2251 August 14, 2016, and that King County did not object to within the Washington state
2252 Liquor and Cannabis Board marijuana license application process, shall be considered
2253 nonconforming and may remain in their current location, subject to the provisions of
2254 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

2255 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
2256 and

2257 (2) the gross floor area of a nonconforming retail outlet may be increased up to
2258 the limitations in subsection B.26.a. and B.26.b. of this section.

2259 27. Per lot, limited to a maximum aggregated total of five thousand square feet
2260 gross floor area devoted to, and in support of, the retail sale of marijuana, and;

2261 a. Any lot line of a lot having any area devoted to retail marijuana activity must
2262 be one thousand feet or more from any lot line of any other lot having any area devoted to
2263 retail marijuana activity; and any lot line of a lot having any area devoted to new retail

2264 marijuana activity may not be within one thousand feet of any lot line of any lot having any
2265 area devoted to existing retail marijuana activity; and

2266 b. Whether a new retail marijuana activity complies with this locational
2267 requirement shall be determined based on the date a conditional use permit application
2268 submitted to the department of local services, permitting division, became or was deemed
2269 complete, and:

2270 (1) if a complete conditional use permit application for the proposed retail
2271 marijuana use was not submitted, or if more than one conditional use permit application
2272 became or was deemed complete on the same date, then the director shall determine
2273 compliance based on the date the Washington state Liquor and Cannabis Board issues a
2274 Notice of Marijuana Application to King County;

2275 (2) if the Washington state Liquor and Cannabis Board issues more than one
2276 Notice of Marijuana Application on the same date, then the director shall determine
2277 compliance based on the date either any complete building permit or change of use permit
2278 application, or both, were submitted to the department declaring retail marijuana activity as
2279 an intended use;

2280 (3) if more than one building permit or change of use permit application was
2281 submitted on the same date, or if no building permit or change of use permit application
2282 was submitted, then the director shall determine compliance based on the date a complete
2283 business license application was submitted; and

2284 (4) if a business license application was not submitted or more than one
2285 business license application was submitted, then the director shall determine compliance
2286 based on the totality of the circumstances, including, but not limited to, the date that a retail

2287 marijuana license application was submitted to the Washington state Liquor and Cannabis
2288 Board identifying the lot at issue, the date that the applicant entered into a lease or
2289 purchased the lot at issue for the purpose of retail marijuana use, and any other facts
2290 illustrating the timing of substantial investment in establishing a licensed retail marijuana
2291 use at the proposed location; and

2292 c. Retail marijuana businesses licensed by the Washington state Liquor and
2293 Cannabis Board and operating within one thousand feet of each other as of August 14,
2294 2016, and retail marijuana businesses that do not require a permit issued by King County,
2295 that received a Washington state Liquor and Cannabis Board license to operate in a
2296 location within one thousand feet of another licensed retail marijuana business prior to
2297 August 14, 2016, and that King County did not object to within the Washington state
2298 Liquor and Cannabis Board marijuana license application process, shall be considered
2299 nonconforming and may remain in their current location, subject to the provisions of
2300 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

2301 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
2302 and

2303 (2) the gross floor area of a nonconforming retail outlet may be increased up to
2304 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

2305 28. If the agricultural product sales or livestock sales is associated with
2306 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

2307 SECTION 45. Ordinance 10870, Section 335, as amended, and K.C.C.
2308 21A.08.080 are hereby amended to read as follows:

2309 ~~SECTION 34. Ordinance 10870, Section 335, as amended, and K.C.C.~~

2310 ~~21A.08.080 are hereby amended to read as follows:~~

2311 A. Manufacturing land uses.

<u>P-Permitted Use-C-Conditional Use-S-Special Use</u>		<u>RESOURCE</u>			<u>RURAL</u>	<u>RESIDENTIAL</u>			<u>COMMERCIAL/INDUSTRIAL</u>				
<u>P-Permitted Use</u> <u>C-Conditional Use</u> <u>S-Special Use</u>		<u>RESOURCE</u>			<u>RURAL</u>	<u>RESIDENTIAL</u>			<u>COMMERCIAL/INDUSTRIAL</u>				
<u>SIC #</u>	<u>SPECIFIC LAND USE</u>	<u>A</u>	<u>F</u>	<u>M</u>	<u>RA</u>	<u>UR</u>	<u>R1-8</u>	<u>R12-48</u>	<u>NB</u>	<u>CB</u>	<u>RB</u>	<u>O</u>	<u>I (11)</u>
20	Food and Kindred Products (28)									<u>P2</u>	<u>P2</u>	<u>P2-C</u>	<u>P2-C</u>
*/2082	Winery/Brewery	<u>P3</u>			<u>P3-C12</u>	<u>P3</u>				<u>P17</u>	<u>P17</u>	<u>P</u>	<u>P</u>
/2085	/Distillery	<u>C12</u>											
*	Materials Processing Facility		<u>P13</u> <u>C</u>	<u>P14</u> <u>C15</u>	<u>P16-C</u>								<u>P</u>
20	Food and Kindred Products (28)								<u>P2</u>	<u>P2</u>	<u>P2</u> <u>C</u>		<u>P2-C</u>
((*	Winery/Brewery				<u>P32</u>								
/Distillery Facility I													
*	Winery/Brewery	<u>P3</u>			<u>P3</u> <u>C30</u>				<u>P17</u>	<u>P17</u>	<u>P29</u>		<u>P31</u>
/Distillery Facility II													
*	Winery/Brewery	<u>C12</u>			<u>C12</u>				<u>C20</u>	<u>C20</u>	<u>C20</u>		<u>C31))</u>
/Distillery Facility III													
*/2082	Winery/Brewery	<u>P3</u>			<u>P3</u>	<u>P3</u>			<u>P17</u>	<u>P17</u>	<u>P</u>		<u>P</u>
/2085	/Distillery	<u>C12</u>			<u>C12</u>								
*	Materials Processing Facility		<u>P13</u> <u>C</u>	<u>P14</u> <u>C15</u>	<u>P16-C</u>								<u>P</u>
22	Textile Mill Products												<u>C</u>
23	Apparel and other Textile Products										<u>C</u>		<u>P</u>
24	Wood Products, except furniture	<u>P4</u> <u>P18</u>	<u>P4</u> <u>P18</u> <u>C5</u>		<u>P4-P18</u> <u>C5</u>	<u>P4</u>						<u>C6</u>	<u>P</u>

24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing							P7	P7	P7C	P7C		P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C29
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products								P6	P9			P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C

357	Computer and Office Equipment										C	C	P
36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

2312

B. Development conditions.

2313

1. Repealed.

2314

2. Except slaughterhouses.

2315

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

2316

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

2317

~~Small Animals;~~

2318

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

2319

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

2320

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

2321

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

2322 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots
2323 of at least two acres;

2324 _____ e. The aggregated floor area of structures and areas for winery, brewery,
2325 distillery facility uses shall not exceed three thousand five hundred square feet, unless
2326 located in whole or in part in a structure designated as historic resource under K.C.C.
2327 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
2328 winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the
2329 RA zone and five thousand square feet in the A zone. Decks that are not occupied and
2330 not open to the public are excluded from the calculation for maximum aggregated floor
2331 area;

2332 _____ d. Structures and parking areas for winery, brewery, distillery facility uses
2333 shall maintain a minimum distance of seventy five feet from interior property lines
2334 adjoining rural area and residential zones, unless located in a building designated as
2335 historic resource under K.C.C. chapter 20.62, except that on Vashon Maury Island this
2336 setback requirement shall not apply to structures and parking areas in use on December 4,
2337 2019, by existing winery, brewery or distillery business locations licensed to produce by
2338 the Washington state Liquor and Cannabis Board before January 1, 2019;

2339 _____ e. In the A zone, sixty percent or more of the products processed must be
2340 grown on site. At the time of the initial application under K.C.C. chapter 6.74, the
2341 applicant shall submit a projection of the source of products to be produced;

2342 _____ f. At least two stages of production of wine, beer, cider or distilled spirits, such
2343 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
2344 Washington state Liquor and Cannabis Board production license, shall occur on-site. At

2345 ~~least one of the stages of production occurring on site shall include crushing, fermenting~~
2346 ~~or distilling;~~

2347 ~~g. In the A zone, structures and area for non-agricultural winery, brewery,~~
2348 ~~distillery facility uses shall be located on portions of agricultural lands that are unsuitable~~
2349 ~~for agricultural purposes, such as areas within the already developed portion of such~~
2350 ~~agricultural lands that are not available for direct agricultural production, or areas without~~
2351 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~
2352 ~~a nonagricultural accessory use;~~

2353 ~~h. Tasting and retail sales of products produced on site may occur only as~~
2354 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
2355 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~
2356 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
2357 ~~in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation~~
2358 ~~on tasting and retail sales of products produced on site shall not apply on Vashon Maury~~
2359 ~~Island to winery, brewery, or distillery business locations in use and licensed to produce~~
2360 ~~by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites~~
2361 ~~in the RA zone that contain a building designated as historic resource under K.C.C.~~
2362 ~~chapter 20.62. Incidental retail sales of merchandise related to the products produced on-~~
2363 ~~site is allowed subject to the restrictions described in this subsection B.3. Hours of~~
2364 ~~operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,~~
2365 ~~Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through~~
2366 ~~7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to~~
2367 ~~11:00 a.m. through 9:00 p.m.;~~

2368 ~~i. Access to the site shall be directly to and from an arterial roadway, except~~
2369 ~~that this requirement shall not apply on Vashon Maury Island to winery, brewery,~~
2370 ~~distillery facility business locations in use and licensed to produce by the Washington~~
2371 ~~state Liquor and Cannabis Board before January 1, 2019;~~

2372 ~~j. Off-street parking is limited to a maximum of one hundred fifty percent of~~
2373 ~~the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

2374 ~~k. The business operator shall obtain an adult beverage business license in~~
2375 ~~accordance with K.C.C. chapter 6.74;~~

2376 ~~l. Events may be allowed with an approved temporary use permit under K.C.C.~~
2377 ~~chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and~~

2378 ~~m. The impervious surface associated with the winery, brewery, distillery~~
2379 ~~facility use shall not exceed twenty five percent of the site, or the maximum impervious~~
2380 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~

2381 ~~whichever is less)) a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and~~
2382 ~~SIC Industry No. 2085-Distilled and Blended Liquors;~~

2383 ~~b. In the A zone, only allowed on sites where the primary use is SIC Industry~~
2384 ~~Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small~~
2385 ~~Animals;~~

2386 ~~c. In the RA and UR zones, only allowed on lots of at least four and one-half~~
2387 ~~acres;~~

2388 ~~d. The floor area devoted to all processing shall not exceed three thousand five~~
2389 ~~hundred square feet, unless located in a building designated as historic resource under~~
2390 ~~K.C.C. chapter 20.62;~~

2391 e. Structures and areas used for processing shall maintain a minimum distance
2392 of seventy-five feet from property lines adjoining rural area and residential zones, unless
2393 located in a building designated as historic resource under K.C.C. chapter 20.62;

2394 f. Sixty percent or more of the products processed must be grown in the Puget
2395 Sound counties. At the time of the initial application, the applicant shall submit a
2396 projection of the source of products to be produced; and

2397 g. Tasting of products produced on site may be provided in accordance with
2398 state law. The area devoted to tasting shall be included in the floor area limitation in
2399 subsection B.3.c. of this section.

2400 4. Limited to rough milling and planing of products grown on-site with portable
2401 equipment.

2402 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
2403 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
2404 minimum site area is four and one-half acres.

2405 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
2406 No. 2431-Millwork, (excluding planing mills).

2407 7. Limited to photocopying and printing services offered to the general public.

2408 8. Only within enclosed buildings, and as an accessory use to retail sales.

2409 9. Only within enclosed buildings.

2410 10. Limited to boat building of craft not exceeding forty-eight feet in length.

2411 11. For I-zoned sites located outside the urban growth area designated by the
2412 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.

2413 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
2414 rural industrial uses as set forth in K.C.C. chapter 21A.12.

2415 12.a. ~~Limited to wineries, SIC Industry No. (In the A zone, only allowed on~~
2416 ~~sites where the primary use is SIC Industry Group No. 01 Growing and Harvesting Crops~~
2417 ~~or No. 02 Raising Livestock and Small Animals;~~

2418 ~~b. The aggregated floor area of structures and areas for winery, brewery,~~
2419 ~~distillery facility uses shall not exceed a total of eight thousand square feet. Decks that~~
2420 ~~are not occupied and not open to the public are excluded from the calculation for~~
2421 ~~maximum aggregated floor area;~~

2422 ~~c. Only allowed on lots of at least four and one half acres. If the aggregated~~
2423 ~~floor area of structures for winery, brewery, distillery uses exceeds six thousand square~~
2424 ~~feet, the minimum site area shall be ten acres;~~

2425 ~~d. Wineries, breweries and distilleries shall comply with Washington state~~
2426 ~~Department of Ecology and King County board of health regulations for water usage and~~
2427 ~~wastewater disposal, and must connect to an existing Group A water system. The~~
2428 ~~definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and~~
2429 ~~provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

2430 ~~e. Structures and parking areas for winery, brewery distillery facility uses shall~~
2431 ~~maintain a minimum distance of seventy five feet from interior property lines adjoining~~
2432 ~~rural area and residential zones, unless located in a building designated as historic~~
2433 ~~resource under K.C.C. chapter 20.62;~~

2434 ~~_____ f. In the A Zone, sixty percent or more of the products processed must be~~
2435 ~~grown on site. At the time of the initial application under K.C.C. chapter 6.74, the~~
2436 ~~applicant shall submit a projection of the source of products to be processed;~~
2437 ~~_____ g. At least two stages of production of wine, beer, cider or distilled spirits,~~
2438 ~~such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized~~
2439 ~~by the Washington state Liquor and Cannabis Board production license, shall occur on-~~
2440 ~~site. At least one of the stages of on-site production shall include crushing, fermenting or~~
2441 ~~distilling;~~
2442 ~~_____ h. In the A zone, structures and areas for non agricultural winery, brewery,~~
2443 ~~distillery facility uses shall be located on portions of agricultural lands that are unsuitable~~
2444 ~~for agricultural purposes, such as areas within the already developed portion of such~~
2445 ~~agricultural lands that are not available for direct agricultural production, or areas without~~
2446 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~
2447 ~~a nonagricultural accessory use;~~
2448 ~~_____ i. Tasting and retail sales of products produced on-site may occur only as~~
2449 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
2450 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~
2451 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
2452 ~~in the aggregated floor area limitation in subsection B.12.b. and c. of this section.~~
2453 ~~Incidental retail sales of merchandise related to the products produced on-site is allowed~~
2454 ~~subject to the restrictions described in this subsection. Hours of operation for on-site~~
2455 ~~tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and~~
2456 ~~Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and~~

2457 ~~Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.~~
2458 ~~through 9:00 p.m.;~~

2459 ~~_____ j. Access to the site shall be directly to and from an arterial roadway;~~

2460 ~~_____ k. Off street parking maximums shall be determined through the conditional~~
2461 ~~use permit process, and should not be more than one hundred fifty percent of the~~
2462 ~~minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

2463 ~~_____ l. The business operator shall obtain an adult beverage business license in~~
2464 ~~accordance with K.C.C. chapter 6.74;~~

2465 ~~_____ m. Events may be allowed with an approved temporary use permit under~~
2466 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~
2467 ~~and~~

2468 ~~_____ n. The impervious surface associated with the winery, brewery, distillery~~
2469 ~~facility use shall not exceed twenty five percent of the site, or the maximum impervious~~
2470 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
2471 ~~whichever is less)) Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC~~
2472 ~~Industry No. 2085-Distilled and Blended Liquors;~~

2473 b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area
2474 of structures for wineries, breweries and distilleries and any accessory uses shall not
2475 exceed a total of eight thousand square feet. The floor area may be increased by up to an
2476 additional eight thousand square feet of underground storage that is constructed
2477 completely below natural grade, not including required exits and access points, if the
2478 underground storage is at least one foot below the surface and is not visible above
2479 ground; and

2480 (2) On Vashon-Maury Island, the total floor area of structures for wineries,
2481 breweries and distilleries and any accessory uses may not exceed six thousand square
2482 feet, including underground storage;

2483 c. Wineries, breweries and distilleries shall comply with Washington state
2484 Department of Ecology and King County board of health regulations for water usage and
2485 wastewater disposal. Wineries, breweries and distilleries using water from exempt wells
2486 shall install a water meter;

2487 d. Off-street parking is limited to one hundred and fifty percent of the
2488 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
2489 21A.18.030;

2490 e. Structures and areas used for processing shall be set back a minimum
2491 distance of seventy-five feet from property lines adjacent to rural area and residential
2492 zones, unless the processing is located in a building designated as historic resource under
2493 K.C.C. chapter 20.62;

2494 f. The minimum site area is four and one-half acres. If the total floor area of
2495 structures for wineries, breweries and distilleries and any accessory uses exceed six
2496 thousand square feet, including underground storage:

2497 (1) the minimum site area is ten acres; and

2498 (2) a minimum of two and one-half acres of the site shall be used for the
2499 growing of agricultural products;

2500 g. The facility shall be limited to processing agricultural products and sixty
2501 percent or more of the products processed must be grown in the Puget Sound counties.

2502 At the time of the initial application, the applicant shall submit a projection of the source
2503 of products to be processed; and

2504 h. Tasting of products produced on site may be provided in accordance with
2505 state law. The area devoted to tasting shall be included in the floor area limitation in
2506 subsection B.12.b. of this section.

2507 13. Only on the same lot or same group of lots under common ownership or
2508 documented legal control, which includes, but is not limited to, fee simple ownership, a
2509 long-term lease or an easement:

2510 a. as accessory to a primary forestry use and at a scale appropriate to process
2511 the organic waste generated on the site; or

2512 b. as a continuation of a sawmill or lumber manufacturing use only for that
2513 period to complete delivery of products or projects under contract at the end of the
2514 sawmill or lumber manufacturing activity.

2515 14. Only on the same lot or same group of lots under common ownership or
2516 documented legal control, which includes, but is not limited to, fee simple ownership, a
2517 long-term lease or an easement:

2518 a. as accessory to a primary mineral use; or

2519 b. as a continuation of a mineral processing use only for that period to
2520 complete delivery of products or projects under contract at the end of mineral extraction.

2521 15. Continuation of a materials processing facility after reclamation in
2522 accordance with an approved reclamation plan.

2523 16. Only a site that is ten acres or greater and that does not use local access
2524 streets that abut lots developed for residential use.

2525 17.a. ~~((The aggregated floor area of structures and areas for winery, brewery,~~
2526 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~
2527 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~
2528 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~
2529 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~
2530 ~~that are not occupied and not open to the public are excluded from the calculation for~~
2531 ~~maximum aggregated floor area;~~
2532 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~
2533 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~
2534 ~~adjoining rural area and residential zones, unless located in a building designated as~~
2535 ~~historic resource under K.C.C. chapter 20.62;~~
2536 ~~c. Tasting and retail sale of products produced on-site, and merchandise related~~
2537 ~~to the products produced on-site, may be provided in accordance with state law. The area~~
2538 ~~devoted to on-site tasting or retail sales shall be included in the aggregated floor area~~
2539 ~~limitation in subsection B.17.a. of this section;~~
2540 ~~d. Off street parking for the tasting and retail areas shall be limited to a~~
2541 ~~maximum of one space per fifty square feet of tasting and retail areas;~~
2542 ~~e. The business operator shall obtain an adult beverage business license in~~
2543 ~~accordance with K.C.C. chapter 6.74; and~~
2544 ~~f. Events may be allowed with an approved temporary use permit under K.C.C.~~
2545 ~~chapter 21A.32)) Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC~~
2546 ~~Industry No. 2085-Distilled and Blended Liquors;~~

2547 b. The floor area devoted to all processing shall not exceed three thousand five
2548 hundred square feet, unless located in a building designated as historic resource under
2549 K.C.C. chapter 20.62;

2550 c. Structures and areas used for processing shall maintain a minimum distance
2551 of seventy-five feet from property lines adjoining rural area and residential zones, unless
2552 located in a building designated as historic resource under K.C.C. chapter 20.62; and

2553 d. Tasting of products produced on site may be provided in accordance with
2554 state law. The area devoted to tasting shall be included in the floor area limitation in
2555 subsection B.4817.b. of this section.

2556 18. Limited to:

2557 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
2558 Millwork, as follows:

2559 (1) If using lumber or timber grown off-site, the minimum site area is four
2560 and one-half acres;

2561 (2) The facility shall be limited to an annual production of no more than one
2562 hundred fifty thousand board feet;

2563 (3) Structures housing equipment used in the operation shall be located at
2564 least one-hundred feet from adjacent properties with residential or rural area zoning;

2565 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
2566 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

2567 (5) In the RA zone, the facility's driveway shall have adequate entering sight
2568 distance required by the 2007 King County Road Design and Construction Standards. An

2569 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
2570 the roadway that the driveway accesses; and

2571 (6) Outside lighting is limited to avoid off-site glare; and

2572 b. SIC Industry No. 2411-Logging.

2573 19. Limited to manufacture of custom made wood furniture or cabinets.

2574 20.a. Only allowed on lots of at least four and one-half acres;

2575 b. Only as an accessory use to a Washington state Liquor Control Board

2576 licensed marijuana production facility on the same lot;

2577 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2578 d. Only with documentation that the operator has applied for a Puget Sound

2579 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2580 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2581 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2582 are imported onto the site; and

2583 e. Accessory marijuana processing uses allowed under this section are subject

2584 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2585 21.a. Only in the CB and RB zones located outside the urban growth area;

2586 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2587 c. Only with documentation that the operator has applied for a Puget Sound

2588 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2589 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2590 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2591 are imported onto the site;

2592 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2593 support of, processing marijuana together with any separately authorized production of
2594 marijuana shall be limited to a maximum of two thousand square feet; and

2595 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2596 every marijuana-related entity occupying space in addition to the two-thousand-square-
2597 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2598 subsection B.22. of this section.

2599 22.a. Only in the CB and RB zones located outside the urban growth area;

2600 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
2601 support of, processing marijuana together with any separately authorized production of
2602 marijuana shall be limited to a maximum of thirty thousand square feet;

2603 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

2604 d. Only with documentation that the operator has applied for a Puget Sound
2605 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2606 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2607 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2608 are imported onto the site.

2609 23.a. Only in the CB and RB zones located inside the urban growth area;

2610 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2611 c. Only with documentation that the operator has applied for a Puget Sound
2612 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2613 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2614 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2615 are imported onto the site;

2616 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2617 support of, processing marijuana together with any separately authorized production of
2618 marijuana shall be limited to a maximum of two thousand square feet; and

2619 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2620 every marijuana-related entity occupying space in addition to the two-thousand-square-
2621 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2622 subsection B.24. of this section.

2623 24.a. Only in the CB and RB zones located inside the urban growth area;

2624 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2625 c. Only with documentation that the operator has applied for a Puget Sound
2626 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2627 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2628 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2629 are imported onto the site; and

2630 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2631 support of, processing marijuana together with any separately authorized production of
2632 marijuana shall be limited to a maximum of thirty thousand square feet.

2633 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2634 b. Only with documentation that the operator has applied for a Puget Sound
2635 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2636 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2637 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2638 are imported onto the site; and

2639 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
2640 gross floor area devoted to, and in support of, the processing of marijuana together with
2641 any separately authorized production of marijuana.

2642 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2643 b. Only with documentation that the operator has applied for a Puget Sound
2644 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2645 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2646 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2647 are imported onto the site; and

2648 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
2649 gross floor area devoted to, and in support of, the processing of marijuana together with
2650 any separately authorized production of marijuana.

2651 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
2652 Island, that do not require a conditional use permit issued by King County, that receive a
2653 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
2654 and that King County did not object to within the Washington state Liquor and Cannabis
2655 Board marijuana license application process, shall be considered nonconforming as to
2656 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
2657 21A.32.075 for nonconforming uses;

2658 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

2659 c. Only with documentation that the operator has applied for a Puget Sound
2660 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2661 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2662 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2663 are imported onto the site;

2664 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
2665 Island;

2666 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
2667 except on Vashon-Maury Island;

2668 f. Only as an accessory use to a Washington state Liquor Cannabis Board
2669 licensed marijuana production facility on the same lot; and

2670 g. Accessory marijuana processing uses allowed under this section are subject to
2671 all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2672 28. If the food and kindred products manufacturing or processing is associated
2673 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

2674 ~~29. Excluding fossil fuel facilities:~~

2675 ~~((29.a. Tasting and retail sales of products produced on site, and merchandise
2676 related to the products produced on site, may be provided in accordance with state law;~~

2677 ~~b. Structures and parking areas for winery, brewery, distillery facility uses
2678 shall maintain a minimum distance of seventy five feet from interior property lines
2679 adjoining rural area and residential zones, unless located in a building designated as
2680 historic resource under K.C.C. chapter 20.62;~~

2681 ~~c. For winery, brewery, distillery facility uses that do not require a conditional~~

2682 use permit, off-street parking for the tasting and retail areas shall be limited to a
2683 maximum of one space per fifty square feet of tasting and retail areas. For winery,
2684 brewery, distillery facility uses that do require a conditional use permit, off-street parking
2685 maximums shall be determined through the conditional use permit process, and off street
2686 parking for the tasting and retail areas should be limited to a maximum of one space per
2687 fifty square feet of tasting and retail areas;

2688 d. The business operator shall obtain an adult beverage business license in
2689 accordance with K.C.C. chapter 6.74; and

2690 e. Events may be allowed with an approved temporary use permit under
2691 K.C.C. chapter 21A.32.

2692 30.a. Only allowed on lots of at least two and one-half acres;

2693 b. The aggregated floor area of structures and areas for winery, brewery,
2694 distillery facility uses shall not exceed three thousand five hundred square feet, unless
2695 located in whole or in part in a structure designated as historic resource under K.C.C.
2696 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
2697 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
2698 that are not occupied and not open to the public are excluded from the calculation for
2699 maximum aggregated floor area;

2700 c. Structures and parking areas for winery, brewery, distillery facility uses
2701 shall maintain a minimum distance of seventy five feet from interior property lines
2702 adjoining rural area and residential zones, unless located in a building designated as
2703 historic resource under K.C.C. chapter 20.62;

2704 d. Tasting and retail sales of products produced on-site may only occur as

2705 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
2706 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~
2707 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
2708 ~~in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental~~
2709 ~~retail sales of merchandise related to the products produced on-site is allowed subject to~~
2710 ~~the restrictions described in this subsection. Hours of operation for on-site tasting of~~
2711 ~~products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,~~
2712 ~~tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,~~
2713 ~~Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00~~
2714 ~~p.m.;~~
2715 ~~_____ e. Access to the site shall be directly to and from a public roadway;~~
2716 ~~_____ f. Off-street parking is limited to a maximum of one hundred fifty percent of~~
2717 ~~the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~
2718 ~~_____ g. The business operator shall obtain an adult beverage business license in~~
2719 ~~accordance with K.C.C. chapter 6.74;~~
2720 ~~_____ h. Events may be allowed with an approved temporary use permit under~~
2721 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~
2722 ~~_____ i. At least two stages of production of wine, beer, cider or distilled spirits, such~~
2723 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
2724 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~
2725 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~
2726 ~~or distilling; and~~
2727 ~~_____ j. The impervious surface associated with the winery, brewery, distillery~~

2728 facility use shall not exceed twenty five percent of the site, or the maximum impervious
2729 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
2730 whichever is less.

2731 31.a. Limited to businesses with non-retail brewery and distillery production
2732 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
2733 tasting rooms for wineries shall not be allowed;

2734 b. Tasting and retail sale of products produced on-site and merchandise related
2735 to the products produced on-site may be provided in accordance with state law. The area
2736 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred
2737 square feet;

2738 c. Structures and parking areas for brewery and distillery facility uses shall
2739 maintain a minimum distance of seventy five feet from interior property lines adjoining
2740 rural area and residential zones, unless located in a building designated as historic
2741 resource under K.C.C. chapter 20.62;

2742 d. For brewery and distillery facility uses that do not require a conditional use
2743 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
2744 one space per fifty square feet of tasting and retail areas. For brewery and distillery
2745 facility uses that do require a conditional use permit, off-street parking maximums shall
2746 be determined through the conditional use permit process, and off-street parking for the
2747 tasting and retail areas should be limited to a maximum of one space per fifty square feet
2748 of tasting and retail areas;

2749 e. The business operator shall obtain an adult beverage business license in
2750 accordance with K.C.C. chapter 6.74; and

2751 ~~f. Events may be allowed with an approved temporary use permit under K.C.C.~~
2752 ~~chapter 21A.32.~~

2753 ~~32.a. The aggregated floor area of structures and areas for winery, brewery,~~
2754 ~~distillery facility uses shall not exceed one thousand five hundred square feet;~~

2755 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~
2756 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~
2757 ~~adjoining rural area and residential zones, unless located in a building designated as~~
2758 ~~historic resource under K.C.C. chapter 20.62;~~

2759 ~~c. One on site parking stall shall be allowed for the winery, brewery, distillery~~
2760 ~~facility I use;~~

2761 ~~d. The business operator shall obtain an adult beverage business license in~~
2762 ~~accordance with K.C.C. chapter 6.74;~~

2763 ~~e. At least two stages of production of wine, beer, cider or distilled spirits, such~~
2764 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
2765 ~~Washington state Liquor and Cannabis Board production license, shall occur on site. At~~
2766 ~~least one of the stages of production occurring on site shall include crushing, fermenting~~
2767 ~~or distilling;~~

2768 ~~f. No product tasting or retail sales shall be allowed on site;~~

2769 ~~g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and~~

2770 ~~h. The impervious surface associated with the winery, brewery, distillery~~
2771 ~~facility use shall not exceed twenty five percent of the site or the maximum impervious~~
2772 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
2773 ~~whichever is less:))~~

2774

SECTION 3546. Ordinance 10870, Section 336, as amended, and K.C.C.

2775

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

2776

A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12- 48	NB	CB	RB	O	I
12	Coal Mining												
13	Oil and Gas Extraction												
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P24 C	P2 4C		P24 C	P24 C							
*	Agricultural Support 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	P	P	P7	P	P	P						P

	Production												
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,((12;)) 14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

2777

B. Development conditions.

2778

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

2779

2. Only forest research conducted within an enclosed building.

2780

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

2781

4. Excluding housing for agricultural workers.

2782

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

2783

with mineral extraction or processing operation.

2784

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

2785

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

2786 accordance with K.C.C. chapter 21A.22.

2787 8. Only on the same lot or same group of lots under common ownership or
2788 documented legal control, which includes, but is not limited to, fee simple ownership, a
2789 long-term lease or an easement:

2790 a. as accessory to a primary mineral extraction use;

2791 b. as a continuation of a mineral processing only for that period to complete
2792 delivery of products or projects under contract at the end of a mineral extraction; or

2793 c. for a public works project under a temporary grading permit issued in
2794 accordance with K.C.C. 16.82.152.

2795 9. Limited to mineral extraction and processing:

2796 a. on a lot or group of lots under common ownership or documented legal
2797 control, which includes but is not limited to, fee simple ownership, a long-term lease or
2798 an easement;

2799 b. that are located greater than one-quarter mile from an established residence;

2800 and

2801 c. that do not use local access streets that abut lots developed for residential
2802 use.

2803 10. Agriculture training facilities are allowed only as an accessory to existing
2804 agricultural uses and are subject to the following conditions:

2805 a. The impervious surface associated with the agriculture training facilities
2806 shall comprise not more than ten percent of the allowable impervious surface permitted
2807 under K.C.C. 21A.12.040;

2808 b. New or the expansion of existing structures, or other site improvements,

2809 shall not be located on class 1, 2 or 3 soils;

2810 c. The director may require reuse of surplus structures to the maximum extent
2811 practical;

2812 d. The director may require the clustering of new structures with existing
2813 structures;

2814 e. New structures or other site improvements shall be set back a minimum
2815 distance of seventy-five feet from property lines adjoining rural area and residential
2816 zones;

2817 f. Bulk and design of structures shall be compatible with the architectural style
2818 of the surrounding agricultural community;

2819 g. New sewers shall not be extended to the site;

2820 h. Traffic generated shall not impede the safe and efficient movement of
2821 agricultural vehicles, nor shall it require capacity improvements to rural roads;

2822 i. Agriculture training facilities may be used to provide educational services to
2823 the surrounding rural/agricultural community or for community events. Property owners
2824 may be required to obtain a temporary use permit for community events in accordance
2825 with K.C.C. chapter 21A.32;

2826 j. Use of lodging and food service facilities shall be limited only to activities
2827 conducted in conjunction with training and education programs or community events
2828 held on site;

2829 k. Incidental uses, such as office and storage, shall be limited to those that
2830 directly support education and training activities or farm operations; and

2831 l. The King County agriculture commission shall be notified of and have an

2832 opportunity to comment upon all proposed agriculture training facilities during the permit
2833 process in accordance with K.C.C. chapter 21A.40.

2834 11. Continuation of mineral processing and asphalt/concrete mixtures and block
2835 uses after reclamation in accordance with an approved reclamation plan.

2836 12.a. Activities at the camp shall be limited to agriculture and agriculture-
2837 oriented activities. In addition, activities that place minimal stress on the site's
2838 agricultural resources or activities that are compatible with agriculture are permitted.

2839 (1) passive recreation;

2840 (2) training of individuals who will work at the camp;

2841 (3) special events for families of the campers; and

2842 (4) agriculture education for youth.

2843 b. Outside the camp center, as provided for in subsection B.12.e. of this
2844 section, camp activities shall not preclude the use of the site for agriculture and
2845 agricultural related activities, such as the processing of local food to create value-added
2846 products and the refrigeration and storage of local agricultural products. The camp shall
2847 be managed to coexist with agriculture and agricultural activities both onsite and in the
2848 surrounding area.

2849 c. A farm plan shall be required for commercial agricultural production to
2850 ensure adherence to best management practices and soil conservation.

2851 d.(1) The minimum site area shall be five hundred acres. Unless the property
2852 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
2853 of this- section, a minimum of five hundred acres of the site must be owned by a single
2854 individual, corporation, partnership or other legal entity and must remain under the

2855 ownership of a single individual, corporation, partnership or other legal entity for the
2856 duration of the operation of the camp.

2857 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
2858 owner from selling or transferring the development rights for a portion or all of the site to
2859 the King County farmland preservation program or, if the development rights are
2860 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

2861 e. The impervious surface associated with the camp shall comprise not more
2862 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

2863 f. Structures for living quarters, dining facilities, medical facilities and other
2864 nonagricultural camp activities shall be located in a camp center. The camp center shall
2865 be no more than fifty acres and shall be depicted on a site plan. New structures for
2866 nonagricultural camp activities shall be clustered with existing structures;

2867 g. To the extent practicable, existing structures shall be reused. The applicant
2868 shall demonstrate to the director that a new structure for nonagricultural camp activities
2869 cannot be practicably accommodated within an existing structure on the site, though
2870 cabins for campers shall be permitted only if they do not already exist on site;

2871 h. Camp facilities may be used to provide agricultural educational services to
2872 the surrounding rural and agricultural community or for community events. If required
2873 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
2874 community events;

2875 i. Lodging and food service facilities shall only be used for activities related to
2876 the camp or for agricultural education programs or community events held on site;

2877 j. Incidental uses, such as office and storage, shall be limited to those that

2878 directly support camp activities, farm operations or agricultural education programs;

2879 k. New nonagricultural camp structures and site improvements shall maintain a
2880 minimum set-back of seventy-five feet from property lines adjoining rural area and
2881 residential zones;

2882 l. Except for legal nonconforming structures existing as of January 1, 2007,
2883 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
2884 a scale to serve overnight camp users;

2885 m. Landscaping equivalent to a type III landscaping screen, as provided for in
2886 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
2887 and site improvements located within two hundred feet of an adjacent rural area and
2888 residential zoned property not associated with the camp;

2889 n. New sewers shall not be extended to the site;

2890 o. The total number of persons staying overnight shall not exceed three
2891 hundred;

2892 p. The length of stay for any individual overnight camper, not including camp
2893 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

2894 q. Traffic generated by camp activities shall not impede the safe and efficient
2895 movement of agricultural vehicles nor shall it require capacity improvements to rural
2896 roads;

2897 r. If the site is adjacent to an arterial roadway, access to the site shall be
2898 directly onto the arterial unless the county road engineer determines that direct access is
2899 unsafe;

2900 s. If direct access to the site is via local access streets, transportation

2901 management measures shall be used to minimize adverse traffic impacts;

2902 t. Camp recreational activities shall not involve the use of motor vehicles
2903 unless the motor vehicles are part of an agricultural activity or are being used for the
2904 transportation of campers, camp personnel or the families of campers. Camp personnel
2905 may use motor vehicles for the operation and maintenance of the facility. Client-specific
2906 motorized personal mobility devices are allowed; and

2907 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
2908 light away from any adjacent property.

2909 13. Limited to digester receiving plant and animal and other organic waste from
2910 agricultural activities, and including electrical generation, as follows:

2911 a. the digester must be included as part of a Washington state Department of
2912 Agriculture approved dairy nutrient plan;

2913 b. the digester must process at least seventy percent livestock manure or other
2914 agricultural organic material from farms in the vicinity, by volume;

2915 c. imported organic waste-derived material, such as food processing waste,
2916 may be processed in the digester for the purpose of increasing methane gas production for
2917 beneficial use, but not shall exceed thirty percent of volume processed by the digester;

2918 and

2919 d. the use must be accessory to an operating dairy or livestock operation.

2920 14. Farm worker housing. Either:

2921 a. Temporary farm worker housing subject to the following conditions:

2922 (1) The housing must be licensed by the Washington state Department of
2923 Health under chapter 70.114A RCW and chapter 246-358 WAC;

2924 (2) Water supply and sewage disposal systems must be approved by the
2925 Seattle King County department of health;

2926 (3) To the maximum extent practical, the housing should be located on
2927 nonfarmable areas that are already disturbed and should not be located in the floodplain
2928 or in a critical area or critical area buffer; and

2929 (4) The property owner shall file with the department of executive services,
2930 records and licensing services division, a notice approved by the department identifying
2931 the housing as temporary farm worker housing and that the housing shall be occupied
2932 only by agricultural employees and their families while employed by the owner or
2933 operator or on a nearby farm. The notice shall run with the land; ~~for~~

2934 b. Housing for agricultural employees who are employed by the owner or
2935 operator of the farm year-round as follows:

2936 (1) Not more than:

2937 (a) one agricultural employee dwelling unit on a site less than twenty acres;

2938 (b) two agricultural employee dwelling units on a site of at least twenty
2939 acres and less than fifty acres;

2940 (c) three agricultural employee dwelling units on a site of at least fifty acres
2941 and less than one-hundred acres; and

2942 (d) four agricultural employee dwelling units on a site of at least one-
2943 hundred acres, and one additional agricultural employee dwelling unit for each additional
2944 one hundred acres thereafter;

2945 (2) If the primary use of the site changes to a nonagricultural use, all
2946 agricultural employee dwelling units shall be removed;

2947 (3) The applicant shall file with the department of executive services, records
2948 and licensing services division, a notice approved by the department that identifies the
2949 agricultural employee dwelling units as accessory and that the dwelling units shall only
2950 be occupied by agricultural employees who are employed by the owner or operator year-
2951 round. The notice shall run with the land. The applicant shall submit to the department
2952 proof that the notice was filed with the department of executive services, records and
2953 licensing services division, before the department approves any permit for the
2954 construction of agricultural employee dwelling units;

2955 (4) An agricultural employee dwelling unit shall not exceed a floor area of
2956 one thousand square feet and may be occupied by no more than eight unrelated
2957 agricultural employees;

2958 (5) To the maximum extent practical, the housing should be located on
2959 nonfarmable areas that are already disturbed;

2960 (6) One off-street parking space shall be provided for each agricultural
2961 employee dwelling unit; and

2962 (7) The agricultural employee dwelling units shall be constructed in
2963 compliance with K.C.C. Title 16.

2964 15. Marijuana production by marijuana producers licensed by the Washington
2965 state Liquor and Cannabis Board is subject to the following standards:

2966 a. Only allowed on lots of at least four and one-half acres;

2967 b. With a lighting plan, only if required by and that complies with K.C.C.

2968 21A.12.220.G.;

2969 c. Only with documentation that the operator has applied for a Puget Sound

2970 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2971 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2972 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2973 are imported onto the site;

2974 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
2975 within structures that are nondwelling unit structures that exist as of October 1, 2013,
2976 subject to the size limitations in subsection B.15.e. of this section;

2977 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2978 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2979 aggregated total of two thousand square feet and shall be located within a fenced area or
2980 marijuana greenhouse that is no more than ten percent larger than that combined area, or
2981 may occur in nondwelling unit structures that exist as of October 1, 2013;

2982 f. Outdoor production area fencing as required by the Washington state Liquor
2983 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
2984 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
2985 feet; and

2986 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
2987 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
2988 marijuana-related entity occupying space in addition to the two-thousand-square-foot
2989 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
2990 B.22. of this section.

2991 16. Marijuana production by marijuana producers licensed by the Washington
2992 state Liquor and Cannabis Board is subject to the following standards:

2993 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
2994 that do not require a conditional use permit issued by King County, that receive a
2995 Washington state Liquor and Cannabis Board license business ~~((prior to))~~ before October
2996 1, 2016, and that King County did not object to within the Washington state Liquor and
2997 Cannabis Board marijuana license application process, shall be considered
2998 nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of
2999 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

3000 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
3001 21A.12.220.G.;

3002 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
3003 Island;

3004 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
3005 except on Vashon-Maury Island;

3006 e. Only with documentation that the operator has applied for a Puget Sound
3007 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3008 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
3009 Clean Air Agency Notice of Construction Permit be approved before marijuana products
3010 are imported onto the site;

3011 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
3012 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
3013 limitations in subsection B.16.g. of this section; and

3014 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
3015 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum

3016 aggregated total of two thousand square feet and shall be located within a fenced area or
3017 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
3018 may occur in nondwelling unit structures that exist as of October 1, 2013;

3019 h. Outdoor production area fencing as required by the Washington state Liquor
3020 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
3021 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
3022 of one hundred fifty feet from any existing residence; and

3023 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
3024 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
3025 entity occupying space in addition to the two-thousand-square-foot threshold area on that
3026 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

3027 17. Marijuana production by marijuana producers licensed by the Washington
3028 state Liquor and Cannabis Board is subject to the following standards:

3029 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
3030 Island;

3031 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
3032 except on Vashon-Maury Island;

3033 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
3034 21A.12.220.G.;

3035 d. Only with documentation that the operator has applied for a Puget Sound
3036 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3037 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
3038 Clean Air Agency Notice of Construction Permit be approved before marijuana products

3039 are imported onto the site;

3040 e. Production is limited to outdoor and indoor within marijuana greenhouses
3041 subject to the size limitations in subsection B.17.f. of this section;

3042 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
3043 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
3044 aggregated total of thirty thousand square feet and shall be located within a fenced area or
3045 marijuana greenhouse that is no more than ten percent larger than that combined area;
3046 and

3047 g. Outdoor production area fencing as required by the Washington state Liquor
3048 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
3049 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
3050 of one hundred fifty feet from any existing residence.

3051 18.a. Production is limited to indoor only;

3052 b. With a lighting plan only as required by and that complies with K.C.C.
3053 21A.12.220.G.;

3054 c. Only with documentation that the operator has applied for a Puget Sound
3055 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3056 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
3057 Clean Air Agency Notice of Construction Permit be approved before marijuana products
3058 are imported onto the site; and

3059 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
3060 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
3061 aggregated total of two thousand square feet and shall be located within a building or

3062 tenant space that is no more than ten percent larger than the plant canopy and separately
3063 authorized processing area; and

3064 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
3065 every marijuana-related entity occupying space in addition to the two-thousand-square
3066 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
3067 subsection B.19. of this section.

3068 19.a. Production is limited to indoor only;

3069 b. With a lighting plan only as required by and that complies with K.C.C.
3070 21A.12.220.G.;

3071 c. Only with documentation that the operator has applied for a Puget Sound
3072 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3073 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
3074 Clean Air Agency Notice of Construction Permit be approved before marijuana products
3075 are imported onto the site; and

3076 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
3077 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
3078 aggregated total of thirty thousand square feet and shall be located within a building or
3079 tenant space that is no more than ten percent larger than the plant canopy and separately
3080 authorized processing area.

3081 20.a. Production is limited to indoor only;

3082 b. With a lighting plan only as required by and that complies with K.C.C.
3083 21A.12.220.G.;

3084 c. Only with documentation that the operator has applied for a Puget Sound

3085 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3086 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
3087 Clean Air Agency Notice of Construction Permit be approved before marijuana products
3088 are imported onto the site;

3089 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
3090 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
3091 aggregated total of two thousand square feet and shall be located within a building or
3092 tenant space that is no more than ten percent larger than the plant canopy and separately
3093 authorized processing area; and

3094 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
3095 every marijuana-related entity occupying space in addition to the two-thousand-square-
3096 foot threshold area on that lot shall obtain a conditional use permit as set forth in
3097 subsection B.21. of this section.

3098 21.a. Production is limited to indoor only;

3099 b. With a lighting plan only as required by and that complies with K.C.C.
3100 21A.12.220.G.;

3101 c. Only with documentation that the operator has applied for a Puget Sound
3102 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3103 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
3104 Clean Air Agency Notice of Construction Permit be approved before marijuana products
3105 are imported onto the site; and

3106 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
3107 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

3108 aggregated total of thirty thousand square feet and shall be located within a building or
3109 tenant space that is no more than ten percent larger than the plant canopy and separately
3110 authorized processing area.

3111 22. Marijuana production by marijuana producers licensed by the Washington
3112 state Liquor and Cannabis Board is subject to the following standards:

3113 a. With a lighting plan only as required by and that complies with K.C.C.

3114 21A.12.220.G.;

3115 b. Only allowed on lots of at least four and one-half acres;

3116 c. Only with documentation that the operator has applied for a Puget Sound
3117 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3118 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
3119 Clean Air Agency Notice of Construction Permit be approved before marijuana products
3120 are imported onto the site;

3121 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
3122 within structures that are nondwelling unit structures that exist as of October 1, 2013,
3123 subject to the size limitations in subsection B.22. e. and f. of this section;

3124 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-
3125 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
3126 limited to a maximum aggregated total of five thousand square feet and shall be located
3127 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
3128 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
3129 2013;

3130 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-

3131 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
3132 limited to a maximum aggregated total of ten thousand square feet, and shall be located
3133 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
3134 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
3135 2013; and

3136 g. Outdoor production area fencing as required by the Washington state Liquor
3137 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain
3138 a minimum street setback of fifty feet and a minimum interior setback of one hundred feet,
3139 and a minimum setback of one hundred fifty feet from any existing residence.

3140 23. The storage and processing of non-manufactured source separated organic
3141 waste that originates from agricultural operations and that does not originate from the site,
3142 if:

3143 a. agricultural is the primary use of the site;

3144 b. the storage and processing are in accordance with best management practices
3145 included in an approved farm plan; and

3146 c. except for areas used for manure storage, the areas used for storage and
3147 processing do not exceed three acres and ten percent of the site.

3148 24.a. For activities relating to the processing of crops or livestock for commercial
3149 purposes, including associated activities such as warehousing, storage, including
3150 refrigeration, and other similar activities and excluding ~~((winery, brewery, distillery facility
3151 I, II, III and remote tasting room))~~ wineries, SIC Industry No. 2085 — Distilled and
3152 Blended Liquors and SIC Industry No. 2082 — Malt Beverages:

3153 (1) limited to agricultural products and sixty percent or more of the products

3154 processed must be grown in the Puget Sound counties. At the time of initial application,
3155 the applicant shall submit a projection of the source of products to be produced;

3156 (2) in the RA and UR zones, only allowed on sites of at least four and one-
3157 half acres;

3158 (3) (a) as a permitted use, the floor area devoted to all processing shall not
3159 exceed two thousand square feet, unless located in a building designated as an historic
3160 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
3161 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
3162 floor area as follows: up to three thousand five hundred square feet of floor area may be
3163 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
3164 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in
3165 the A zone; and

3166 (b) as a permitted use, the floor area devoted to all warehousing,
3167 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
3168 unless located in a building designated as historic resource under K.C.C. chapter 20.62.
3169 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
3170 review and approve an increase of up to three thousand five hundred square feet of floor
3171 area devoted to all warehouseing, storage, including refrigeration, or other similar
3172 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
3173 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

3174 (4) in the A zone, structures and areas used for processing, warehousing,
3175 refrigeration, storage and other similar activities shall be located on portions of
3176 agricultural lands that are unsuitable for other agricultural purposes, such as areas within

3177 the already developed portion of such agricultural lands that are not available for direct
3178 agricultural production, or areas without prime agricultural soils; and

3179 (5) structures and areas used for processing, warehousing, storage, including
3180 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
3181 five feet from property lines adjoining rural area and residential zones, unless located in a
3182 building designated as historic resource under K.C.C. chapter 20.62.

3183 b. For activities relating to the retail sale of agricultural products, except
3184 livestock:

3185 (1) sales shall be limited to agricultural products and locally made arts and
3186 crafts;

3187 (2) in the RA and UR zones, only allowed on sites at least four and one-
3188 half acres;

3189 (3) as a permitted use, the covered sales area shall not exceed two thousand
3190 square feet, unless located in a building designated as a historic resource under K.C.C.
3191 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
3192 21A.42.300, may review and approve an increase of up to three thousand five hundred
3193 square feet of covered sales area;

3194 (4) forty percent or more of the gross sales of agricultural product sold
3195 through the store must be sold by the producers of primary agricultural products;

3196 (5) sixty percent or more of the gross sales of agricultural products sold
3197 through the store shall be derived from products grown or produced in the Puget Sound
3198 counties. At the time of the initial application, the applicant shall submit a reasonable
3199 projection of the source of product sales;

3200 (6) tasting of products, in accordance with applicable health regulations, is
3201 allowed;

3202 (7) storage areas for agricultural products may be included in a farm store
3203 structure or in any accessory building; and

3204 (8) outside lighting is permitted if there is no off-site glare.

3205 c. Retail sales of livestock is permitted only as accessory to raising
3206 livestock.

3207 d. Farm operations, including quipment repair and related facilities, except
3208 that:

3209 (1) the repair of tools and machinery is limited to those necessary for the
3210 operation of a farm or forest;

3211 (2) in the RA and UR zones, only allowed on sites of at least four and one-
3212 half acres;

3213 (3) the size of the total repair use is limited to one percent of the farm size
3214 in the A zone, and up to one percent of the size in other zones, up to a maximum of five
3215 thousand square feet unless located within an existing farm structure, including but not
3216 limited to barns, existing as of December 31, 2003; and

3217 (4) Equipment repair shall not be permitted in the Forest zone.

3218 e. The agricultural technical review committee, as established in K.C.C.
3219 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
3220 residential zones and minimum setbacks from rural and residential zones.

3221 25. The department may review and approve establishment of agricultural
3222 support services in accordance with the code compliance review process in K.C.C.

3223 21A.42.300 only if:
3224 a. project is sited on lands that are unsuitable for direct agricultural production
3225 based on size, soil conditions or other factors and cannot be returned to productivity by
3226 drainage maintenance; and

3227 b. the proposed use is allowed under any Farmland Preservation Program
3228 conservation easement and zoning development standards.

3229 26. The agricultural technical review committee, as established in K.C.C.
3230 21A.42.300, may review and approve establishment of agricultural support services only
3231 if the project site:

3232 a. adjoins or is within six hundred sixty feet of the agricultural production
3233 district;

3234 b. has direct vehicular access to the agricultural production district;

3235 c. except for farmworker housing, does not use local access streets that abut
3236 lots developed for residential use; and

3237 d. has a minimum lot size of four and one-half acres.

3238 27. The agricultural technical review committee, as established in K.C.C.

3239 21A.42.300, may review and approve establishment of agricultural support services only
3240 if the project site:

3241 a. is outside the urban growth area,

3242 b. adjoins or is within six hundred sixty feet of the agricultural production
3243 district,

3244 c. has direct vehicular access to the agricultural production district,

3245 d. except for farmworker housing, does not use local access streets that abut

3246 lots developed for residential use; and

3247 e. has a minimum lot size of four and one-half acres.

3248 28. Only allowed on properties that are outside the urban growth area.

3249 SECTION 3647. Ordinance 10870, Section 337, as amended, and K.C.C.

3250 21A.08.100 are hereby amended to read as follows:

3251 A. Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C P12 C1 2.S	C P12 C1 2.S	C P12 C1 2.S	C P12 C1 12 S	C P12 C1 12 S	C P12 C1 12 S	C P12 C1 12 S	C P12 C1 12 S	C P12 C1 12 S	C P12 C1 12 S	C P12 C1 12 S	C P12 C1 12 S
*	<u>Renewable Energy Generation Facility</u>	<u>C28</u>	<u>C28</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
*	<u>Fossil Fuel Facility</u>												<u>S27</u>
*	Communication	C6c	P		C6c	C6c	C6c	C6c	C6c	P	P	P	P

	Facility (17)	S			S	S	S	S	S				
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
(13)	Oil and Gas Extraction	S27S	((C)) S27	((P)) S27	S27 S	((S)))	((S)))	((S)))	((S)))	S27 S	S27S	S27 S	((C))) S27
*	Fossil Fuel Facility Type I												C28
*	Fossil Fuel Facility Type 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 Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance Facility				C23								P
*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort Facility				P26		P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor												P

	Sports Facility												
*	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								

3252

B. Development conditions.

3253

1. Except technical institutions. See vocational schools on general services land

3254

use table, K.C.C. 21A.08.050.

3255

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

3256

3. Except weapons armories and outdoor shooting ranges.

3257

4. Except outdoor shooting range.

3258

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

3259

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

3260

b. Limited to one satellite dish antenna.

3261

c. Limited to tower consolidations.

3262

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

3263

practices or for emergency landing sites.

3264

8. Except racing of motorized vehicles.

3265

9. Limited to wildlife exhibit.

3266

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

- 3267 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
3268 21A.32.
- 3269 12. Limited to ~~((cogeneration facilities for on-site use only))~~ gas extraction as an
3270 accessory use to a waste management process, such as wastewater treatment, landfill
3271 waste management, livestock manure and composting processes.
- 3272 13. Excluding impoundment of water using a dam.
- 3273 14. Limited to facilities that comply with the following:
- 3274 a. Any new diversion structure shall not:
- 3275 (1) exceed a height of eight feet as measured from the streambed; or
- 3276 (2) impound more than three surface acres of water at the normal maximum
3277 surface level;
- 3278 b. There shall be no active storage;
- 3279 c. The maximum water surface area at any existing dam or diversion shall not
3280 be increased;
- 3281 d. An exceedance flow of no greater than fifty percent in mainstream reach
3282 shall be maintained;
- 3283 e. Any transmission line shall be limited to a:
- 3284 (1) right-of-way of five miles or less; and
- 3285 (2) capacity of two hundred thirty KV or less;
- 3286 f. Any new, permanent access road shall be limited to five miles or less; and
- 3287 g. The facility shall only be located above any portion of the stream used by
3288 anadromous fish.
- 3289 15. For I-zoned sites located outside the urban growth area designated by the

3290 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
3291 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
3292 prohibited. All other uses, including waste water treatment facilities, shall be subject to
3293 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

3294 16. The operator of such a facility shall provide verification to the department of
3295 natural resources and parks or its successor organization that the facility meets or exceeds
3296 the standards of the Animal and Plant Health Inspection Service of the United States
3297 Department of Agriculture and the accreditation guidelines of the American Zoo and
3298 Aquarium Association.

3299 17. The following provisions of the table apply only to major communication
3300 facilities. Minor communication facilities shall be reviewed in accordance with the
3301 processes and standard outlined in K.C.C. chapter 21A.27.

3302 18. Only for facilities related to resource-based research.

3303 19. Limited to work release facilities associated with natural resource-based
3304 activities.

3305 20. Limited to projects which do not require or result in an expansion of sewer
3306 service outside the urban growth area, unless a finding is made that no cost-effective
3307 alternative technologies are feasible, in which case a tightline sewer sized only to meet
3308 the needs of the school bus base and serving only the school bus base may be used.
3309 Renovation, expansion, modernization or reconstruction of a school bus base is permitted
3310 but shall not require or result in an expansion of sewer service outside the urban growth
3311 area, unless a finding is made that no cost-effective alternative technologies are feasible,
3312 in which case a tightline sewer sized only to meet the needs of the school bus base.

3313 21. Only in conformance with the King County Site Development Plan Report,
3314 through modifications to the plan of up to ten percent are allowed for the following:

3315 a. building square footage;

3316 b. landscaping;

3317 c. parking;

3318 d. building height; or

3319 e. impervious surface.

3320 22. A special use permit shall be required for any modification or expansion of
3321 the King County fairgrounds facility that is not in conformance with the King County
3322 Site Development Plan Report or that exceeds the allowed modifications to the plan
3323 identified in subsection B.21. of this section.

3324 23. The facility shall be primarily devoted to rural public infrastructure
3325 maintenance and is subject to the following conditions:

3326 a. The minimum site area shall be ten acres, unless:

3327 (1) the facility is a reuse of a public agency yard; or

3328 (2) the site is separated from a county park by a street or utility right-of-way;

3329 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided

3330 between any stockpiling or grinding operations and adjacent residential zoned property;

3331 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided

3332 between any office and parking lots and adjacent residential zoned property;

3333 d. Access to the site does not use local access streets that abut residential zoned

3334 property, unless the facility is a reuse of a public agency yard;

3335 e. Structural setbacks from property lines shall be as follows:

3336 (1) Buildings, structures and stockpiles used in the processing of materials
3337 shall be no closer than:

3338 (a) one hundred feet from any residential zoned properties, except that the
3339 setback may be reduced to fifty feet when the grade where the building or structures are
3340 proposed is fifty feet or greater below the grade of the residential zoned property;

3341 (b) fifty feet from any other zoned property, except when adjacent to a
3342 mineral extraction or materials processing site;

3343 (c) the greater of fifty feet from the edge of any public street or the setback
3344 from residential zoned property on the far side of the street; and

3345 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall
3346 not be closer than fifty feet from any property line except when adjacent to M or F zoned
3347 property or when a reuse of an existing building. Facilities necessary to control access to
3348 the site, when demonstrated to have no practical alternative, may be located closer to the
3349 property line;

3350 f. On-site clearing, grading or excavation, excluding that necessary for
3351 required access, roadway or storm drainage facility construction, shall not be permitted
3352 within fifty feet of any property line except along any portion of the perimeter adjacent to
3353 M or F zoned property. If native vegetation is restored, temporary disturbance resulting
3354 from construction of noise attenuation features located closer than fifty feet shall be
3355 permitted; and

3356 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

3357 24. The following accessory uses to a motor race track operation are allowed if
3358 approved as part of the special use permit:

- 3359 a. motocross;
- 3360 b. autocross;
- 3361 c. skidpad;
- 3362 d. garage;
- 3363 e. driving school; and
- 3364 f. fire station.

3365 25. Regional transit authority facilities shall be exempt from setback and height
3366 requirements.

3367 26. Transit comfort facility shall:

- 3368 a. only be located outside of the urban growth area boundary;
- 3369 b. be exempt from street setback requirements; and
- 3370 c. be no more than 200 square feet in size.

3371 ~~27. Use limited to gas extraction as an accessory use to waste management~~
3372 ~~process, such as wastewater treatment, landfill waste management, livestock manure and~~
3373 ~~composting processes.~~ a. Required for all new, modified or expanded fossil fuel facilities.

3374 Modification or expansion includes, but is not limited to:

3375 ~~28. Required for all new, modified or expanded fossil fuel facilities where~~
3376 ~~modified or expanded include, but are not limited to:~~

3377 ~~a.~~ (1) new uses or fuel types within existing facilities;

3378 (2) ~~b.~~ changes to the type of refining, manufacturing and/or
3379 processing;

3380 (3) changes in the methods or volumes of storage or transport of raw
3381 materials or processed products;

3382 ~~(4) e.~~ changes in the location of the facilities on-site;
3383 ~~d.~~ (5) replacement of existing facilities;
3384 ~~e.~~ (6) increases in power or water demands; or
3385 ~~f.~~ (7) increases in production capacity; and
3386 ~~g.~~ changes in the methods or volumes of transport of raw materials or
3387 processed products.
3388 ~~29. Limited to facilities that comply with the following:~~
3389 ~~a.~~ b. Facilities shall:
3390 (1) not be located within one thousand feet from any schools, medical care
3391 facilities, or places of assembly that have occupancies of greater than one thousand
3392 persons, such as arenas, gymnasiums and auditoriums;
3393 ~~b. shall~~ (2) not be located within two hundred fifty feet from a regulated
3394 wetland or aquatic area, except when a larger buffer is required under K.C.C. chapter
3395 21A.24, the buffer in K.C.C. chapter 21A.24 shall apply;
3396 ~~e. structures shall be~~ (3) maintain an interior setback of at least two hundred
3397 feet from adjacent properties; and;
3398 ~~d. storage of~~ (4) store fossil fuels must be contained completely within
3399 enclosed structures, tanks or similar facilities; and
3400 (5) be accessed directly to and from an arterial roadway.

3401 28. Limited to uses that will not convert more than two acres of farmland or
3402 forestland, or 2.5 percent of the farmland or forestland, whichever is less.

3403 SECTION 3748. Ordinance 10870, Section 340, as amended, and K.C.C.
3404 21A.12.030 are hereby amended to read as follows:

3405 A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARDS	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15) (28)	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ ac	4 du/ ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/ac (20)						6 du/ ac (22) 8 du/ ac (27)	9 du/ac (27)	12 du/ac (27)	18 du/ac (27)	27 du/ac (27)	36 du/ac (27)	72 du/ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

3406

B. Development conditions.

3407 1. This maximum density may be achieved only through the application of
3408 residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of
3409 development rights in accordance with K.C.C. chapter 21A.37, or any combination of
3410 density incentive or density transfer.

3411 2. Also see K.C.C. 21A.12.060.

3412 3. These standards may be modified under the provisions for zero-lot-line and
3413 townhouse developments.

3414 4.a. Height limits may be increased if portions of the structure that exceed the
3415 base height limit provide one additional foot of street and interior setback for each foot
3416 above the base height limit, but the maximum height may not exceed seventy-five feet.

3417 b. Netting or fencing and support structures for the netting or fencing used to
3418 contain golf balls in the operation of golf courses or golf driving ranges are exempt from
3419 the additional interior setback requirements but the maximum height shall not exceed
3420 seventy-five feet, except for recreation or multiuse parks, where the maximum height
3421 shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires
3422 a higher fence. ~~Accessory dwelling units and accessory living quarters shall not exceed~~
3423 base heights.

3424 c. Accessory dwelling units and accessory living quarters shall not exceed base
3425 heights, except that this requirement shall not apply to accessory dwelling units
3426 constructed wholly within an existing dwelling unit.

3427 5. Applies to each individual lot. Impervious surface area standards for:

3428 a. Regional uses shall be established at the time of permit review;

3429 b. Nonresidential uses in rural area and residential zones shall comply with

3430 K.C.C. 21A.12.120 and 21A.12.220;

3431 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
3432 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
3433 comparable R-6 or R-8 zone; and

3434 d. A lot may be increased beyond the total amount permitted in this chapter
3435 subject to approval of a conditional use permit.

3436 6. Mobile home parks shall be allowed a base density of six dwelling units per
3437 acre.

3438 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
3439 square feet in area.

3440 8. At least twenty linear feet of driveway shall be provided between any garage,
3441 carport or other fenced parking area and the street property line. The linear distance shall
3442 be measured along the center line of the driveway from the access point to such garage,
3443 carport or fenced area to the street property line.

3444 9.a. Residences shall have a setback of at least one hundred feet from any
3445 property line adjoining A, M or F zones or existing extractive operations. However,
3446 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
3447 existing extractive operations shall have a setback from the rear property line equal to
3448 fifty percent of the lot width and a setback from the side property equal to twenty-five
3449 percent of the lot width.

3450 b. Except for residences along a property line adjoining A, M or F zones or
3451 existing extractive operations, lots between one acre and two and one-half acres in size
3452 shall conform to the requirements of the R-1 zone and lots under one acre shall conform

3453 to the requirements of the R-4 zone.

3454 10.a. For developments consisting of three or more single-detached dwellings
3455 located on a single parcel, the setback shall be ten feet along any property line abutting
3456 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
3457 K.C.C. 21A.14.190, which shall have a setback of five feet.

3458 b. For townhouse and apartment development, the setback shall be twenty feet
3459 along any property line abutting R-1 through R-8, RA and UR zones, except for
3460 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
3461 of five feet, unless the townhouse or apartment development is adjacent to property upon
3462 which an existing townhouse or apartment development is located.

3463 11. Lots smaller than one-half acre in area shall comply with standards of the
3464 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
3465 larger, the maximum impervious surface area allowed shall be at least ten thousand
3466 square feet. On any lot over one acre in area, an additional five percent of the lot area
3467 may be used for buildings related to agricultural or forestry practices. For lots smaller
3468 than two acres but larger than one-half acre, an additional ten percent of the lot area may
3469 be used for structures that are determined to be medically necessary, if the applicant
3470 submits with the permit application a notarized affidavit, conforming with K.C.C.
3471 21A.32.170A.2.

3472 12. For purposes of calculating minimum density, the applicant may request that
3473 the minimum density factor be modified based upon the weighted average slope of the
3474 net buildable area of the site in accordance with K.C.C. 21A.12.087.

3475 13. The minimum lot area does not apply to lot clustering proposals as provided

3476 in K.C.C. chapter 21A.14.

3477 14. The base height to be used only for projects as follows:

3478 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
3479 fifteen percent finished grade; and

3480 b. in R-18, R-24 and R-48 zones using residential density incentives and
3481 transfer of density credits in accordance with this title.

3482 15. Density applies only to dwelling units and not to sleeping units.

3483 16. Vehicle access points from garages, carports or fenced parking areas shall
3484 be set back from the property line on which a joint use driveway is located to provide a
3485 straight line length of at least twenty-six feet as measured from the center line of the
3486 garage, carport or fenced parking area, from the access point to the opposite side of the
3487 joint use driveway.

3488 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
3489 be clustered if the property is located within or contains:

3490 (1) a floodplain;

3491 (2) a critical aquifer recharge area;

3492 (3) a regionally or locally significant resource area;

3493 (4) existing or planned public parks or trails, or connections to such facilities;

3494 (5) a category type S or F aquatic area or category I or II wetland;

3495 (6) a steep slope; or

3496 (7) an urban separator or wildlife habitat network designated by the

3497 Comprehensive Plan or a community plan.

3498 b. The development shall be clustered away from critical areas or the axis of

3499 designated corridors such as urban separators or the wildlife habitat network to the extent
3500 possible and the open space shall be placed in a separate tract that includes at least fifty
3501 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
3502 homeowner's association or other suitable organization, as determined by the director,
3503 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
3504 designated urban separators shall be placed within the open space tract to the extent
3505 possible. Passive recreation, with no development of recreational facilities, and natural-
3506 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

3507 18. See K.C.C. 21A.12.085.

3508 19. All subdivisions and short subdivisions in R-1 and RA zones within the
3509 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
3510 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
3511 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
3512 Sammamish Community Planning Area that drains to Patterson Creek shall have a
3513 maximum impervious surface area of eight percent of the gross acreage of the plat.
3514 Distribution of the allowable impervious area among the platted lots shall be recorded on
3515 the face of the plat. Impervious surface of roads need not be counted towards the
3516 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
3517 more restrictive shall be required.

3518 20. This density may only be achieved on RA 2.5 zoned parcels receiving
3519 density from rural forest focus areas through a transfer of density credit pursuant to
3520 K.C.C. chapter 21A.37.

3521 21. Base density may be exceeded, if the property is located in a designated

3522 rural city urban growth area and each proposed lot contains an occupied legal residence
3523 that predates 1959.

3524 22. The maximum density is four dwelling units per acre for properties zoned
3525 R-4 when located in the Rural Town of Fall City.

3526 23. The minimum density requirement does not apply to properties located
3527 within the Rural Town of Fall City.

3528 24. The impervious surface standards for the county fairground facility are
3529 established in the King County Fairgrounds Site Development Plan, Attachment A to
3530 Ordinance 14808* on file at the department of natural resources and parks and the
3531 department of local services, permitting division. Modifications to that standard may be
3532 allowed provided the square footage does not exceed the approved impervious surface
3533 square footage established in the King County Fairgrounds Site Development Plan
3534 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance
3535 14808*₂ by more than ten percent.

3536 25. For cottage housing developments only:

3537 a. The base height is ~~((eighteen))~~ twenty-five feet.

3538 b. Buildings have pitched roofs with a minimum slope of six and twelve may
3539 extend up to ~~((twenty-five))~~ thirty feet at the ridge of the roof.

3540 26. Impervious surface does not include access easements serving neighboring
3541 property and driveways to the extent that they extend beyond the street setback due to
3542 location within an access panhandle or due to the application of King County Code
3543 requirements to locate features over which the applicant does not have control.

3544 27. Only in accordance with K.C.C. 21A.34.040.F.1.g-., ~~((and))~~ F.6. or K.C.C.

3545 [21A.37.130.A.2.](#)

3546 28. On a site zoned RA with a building listed on the national register of historic
3547 places, additional dwelling units in excess of the maximum density may be allowed under
3548 K.C.C. 21A.12.042.

3549 29. Height and setback requirements shall not apply to regional transit authority
3550 facilities.

3551 [SECTION 3849. Ordinance 16267, Section 30, and K.C.C. 21A.12.250 are](#)
3552 [hereby amended to read as follows:](#)

3553 [The general personal service use \(SIC # 72 except 7216, 7218 and 7261\) and the](#)
3554 [office/outpatient clinic use \(SIC # 801 - 04\) listed in K.C.C. 21A.08.050 are allowed as a](#)
3555 [conditional use, subject to the following requirements:](#)

3556 [A. The site shall be zoned R-4 through R-48;](#)

3557 [B. The establishment shall be located within one-quarter mile of a rural town,](#)
3558 [unincorporated activity center, community business center or neighborhood business](#)
3559 [center and less than one mile from another commercial establishment;](#)

3560 [C. The establishment shall be located in either:](#)

3561 [1. \(\(a\)\)A legally established single family dwelling in existence on or before](#)
3562 [January 1, 2008. The structure may not be expanded by more than ten percent as](#)
3563 [provided in K.C.C. \(\(21A.30.xxx\)\) 21A.32.065 for the expansion of legally established](#)
3564 [nonconforming uses; or](#)

3565 [2. A mixed use development with one hundred percent of the dwelling units](#)
3566 [affordable to households with incomes at or below sixty percent of area median income](#)

3567 and on-site supportive services consistent with the King County Consortium
3568 Consolidated Housing and Community Development Plan or successor plan;
3569 _____ D. The maximum on-site parking ratio for establishments and sites shall be ((2))
3570 two per ((4000)) one thousand square feet and required parking shall not be located
3571 between the building and the street; and

3572 _____ E. Sign and landscaping standards for the use apply.

3573 _____ SECTION 50. Ordinance 15032, Section 18, as amended, and K.C.C.
3574 21A.14.025 are hereby amended to read as follows:

3575 _____ For cottage housing developments in the R4-R8 zones:

3576 A. The total area of the common open space must be at least two hundred and
3577 fifty square feet per unit and at least fifty percent of the units must be clustered around
3578 the common space.

3579 B. The total floor area of each unit, ~~((including))~~ except for two hundred and fifty
3580 square feet of any enclosed parking, is limited to one thousand two hundred square feet.
3581 The footprint of each unit, including any enclosed parking, is limited to nine hundred
3582 square feet. A front or wraparound porch of up to one hundred square feet is permitted
3583 and is not to be included in the floor area or footprint calculation.

3584 C. Fences within the cottage housing unit development are limited to three feet in
3585 height. Fences along the perimeter of the cottage housing development are limited to six
3586 feet.

3587 D. Individual cottage housing units must be at least ten feet apart.

3588 _____ E. Each dwelling unit that abuts common open space shall have either a primary
3589 entry, or a covered porch, or both, oriented to the common open space.

3590 F. Each dwelling unit ~~abutting or proximal to~~ within forty feet of a public right-
 3591 of-way, not including alleys, shall have a ~~façade that is inviting, such as a primary or~~
 3592 ~~secondary entrance or porch,~~ facade oriented to the public right-of-way; ~~that includes a~~
 3593 ~~porch, an entrance or a bay window that projects a minimum of six inches and is a~~
 3594 ~~minimum of four feet in width.~~ If a dwelling unit ~~abuts~~ is within forty feet of more than
 3595 one public right-of-way, the department shall determine which right-of-way ~~towards~~
 3596 ~~which the inviting façade~~ facade elements shall be oriented. ~~Materials used on this facade~~
 3597 ~~shall wrap the corners of the unit.~~

3598 SECTION 3951. Ordinance 10870, Section 407, as amended, and K.C.C.
 3599 21A.18.030 are hereby amended to read as follows:

3600 A. Except as modified in K.C.C. 21A.18.070.B- ~~through D~~, off-street parking
 3601 areas shall contain at a minimum the number of parking spaces as stipulated in the
 3602 following table. Off-street parking ratios expressed as number of spaces per square feet
 3603 means the usable or net square footage of floor area, exclusive of non-public areas. Non-
 3604 public areas include but are not limited to building maintenance areas, storage areas,
 3605 closets or restrooms. If the formula for determining the number of off-street parking
 3606 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
 3607 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
 3608 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit

Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<u>Cottage housing</u>	<u>1 per dwelling unit less than 750 ft²</u> <u>1.5 per dwelling unit equal to 750 ft²</u> <u>and less than 1,000 ft² 2 per dwelling</u> <u>unit equal to or greater than 1,000</u> <u>ft² 1.0 per dwelling unit</u>
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet

	of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
-Exceptions:	
-Funeral home/Crematory	1 per 50 square feet of chapel area
-Daycare I	2 per facility
-Daycare II	2 per facility, plus 1 space for each 20 children
-Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes

-Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
-Nursing and personal care Facilities	1 per 4 beds
-Hospital	1 per bed
-Elementary schools	1 per classroom, plus 1 per 50 students
-Secondary schools	
-Middle/junior high schools	1 per classroom, plus 1 per 50 students
-High schools	1 per classroom, plus 1 per 10 students
-High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
-Vocational schools	1 per classroom, plus 1 per five students
-Specialized instruction Schools	1 per classroom, plus 1 per two students
-Artist Studios	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
-Exceptions:	
-Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas

-Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
-Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
-Police facility	(director)
-Fire facility	(director)
-Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
-Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
-Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
-Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
-Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
-Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED

RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
-Exceptions:	
-Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
-Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
-Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
-Restaurants	1 per 75 square feet in dining or lounge areas
<u>((Remote tasting rooms</u>	<u>1 per 300 square feet of tasting and retail areas))</u>
-Wholesale trade uses	<u>0.9</u> per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
-Manufacturing uses	<u>0.9</u> per 1,000 square feet
<u>((Winery/Brewery/Distillery Facility II and III))</u> Winery/Brewery	<u>((0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas)) 0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</u>
RESOURCES (K.C.C. 21A.08.090.A):	
-Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	

-Regional uses	(director)
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3609 B. An applicant may request a modification of the minimum required number of
3610 parking spaces by providing that parking demand can be met with a reduced parking
3611 requirement. In such cases, the director may approve a reduction of up to fifty percent of
3612 the minimum required number of spaces.

3613 C. When the county has received a shell building permit application, off-street
3614 parking requirements shall be based on the possible tenant improvements or uses
3615 authorized by the ~~((zone designation))~~ [zoning classification](#) and compatible with the
3616 limitations of the shell permit. When the range of possible uses result in different parking
3617 requirements, the director will establish the amount of parking based on a likely range of
3618 uses.

3619 D. Where other provisions of this code stipulate maximum parking allowed or
3620 reduced minimum parking requirements, those provisions shall apply.

3621 E. In any development required to provide six or more parking spaces, bicycle
3622 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
3623 facilities unless otherwise specified.

3624 1. Off-street parking areas shall contain at least one bicycle parking space for
3625 every twelve spaces required for motor vehicles except as follows:

3626 a. The director may reduce bike rack parking facilities for patrons when it is
3627 demonstrated that bicycle activity will not occur at that location.

3628 b. The director may require additional spaces when it is determined that the
3629 use or its location will generate a high volume of bicycle activity. Such a determination
3630 will include but not be limited to the following uses:

- 3631 (1) Park/playfield,
3632 (2) Marina,
3633 (3) Library/museum/arboretum,
3634 (4) Elementary/secondary school,
3635 (5) Sports club, or
3636 (6) Retail business (when located along a developed bicycle trail or
3637 designated bicycle route).

3638 2. Bicycle facilities for patrons shall be located within 100 feet of the building
3639 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
3640 structure attached to the pavement.

3641 3. All bicycle parking and storage shall be located in safe, visible areas that do
3642 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

3643 4. When more than ten people are employed on site, enclosed locker-type
3644 parking facilities for employees shall be provided. The director shall allocate the
3645 required number of parking spaces between bike rack parking and enclosed locker-type
3646 parking facilities.

3647 5. One indoor bicycle storage space shall be provided for every two dwelling
3648 units in townhouse and apartment residential uses, unless individual garages are provided
3649 for every unit. The director may reduce the number of bike rack parking spaces if indoor
3650 storage facilities are available to all residents.

3651 ~~SECTION 40.~~ SECTION 52. Ordinance 10870, Section 413, as amended, and
3652 K.C.C. 21A.18.090 are hereby amended to read as follows:

3653 A. All land uses listed in K.C.C. 21A.08.060.A. (Government/Business
3654 Services), and in K.C.C. 21A.08.080.A. (Manufacturing), hospitals, high schools,
3655 vocational schools, universities and specialized instruction schools shall be required to
3656 reserve one parking space of every ((20)) twenty required spaces for rideshare parking as
3657 follows:

3658 1. The parking spaces shall be located closer to the primary employee entrance
3659 than any other employee parking except disabled;

3660 2. Reserved areas shall have markings and signs indicating that the space is
3661 reserved; and

3662 3. Parking in reserved areas shall be limited to vanpools and carpools
3663 established through ride share programs by public agencies and to vehicles meeting
3664 minimum rideshare qualifications set by the employer((;)).

3665 B. The director may reduce the number of required off-street parking spaces
3666 when one or more scheduled transit routes provide service within ((660)) six hundred
3667 sixty feet of the site. The amount of reduction shall be based on the number of scheduled
3668 transit runs between 7:00 - 9:00((AM)) a.m. and 4:00 - 6:00((PM)) p.m. each business
3669 day up to a maximum reduction as follows:

3670 1. Four percent for each run serving land uses in K.C.C. 21A.08.060.A.
3671 (Government/Business Services) and K.C.C. 21A.08.080.A. (Manufacturing) up to a
3672 maximum of forty percent; ((and))

3673 2. Two percent for each run serving land uses in K.C.C. 21A.08.040.A.
3674 (Recreation/Culture), 21A.08.050.A. (General Services) and 21A.08.060.A.
3675 (Retail/Wholesale) up to a maximum of twenty percent; and

3676 3. When served by transit runs scheduled every fifteen minutes or less, cottage
3677 housing sites shall have no required parking minimum.

3678 C. All uses which are located on an existing transit route and are required under
3679 the computation for required off-street parking spaces in K.C.C. 21A.18.030.A. to
3680 provide more than ((200)) two hundred parking spaces may be required to provide transit
3681 shelters, bus turnout lanes or other transit improvements as a condition of permit
3682 approval. Uses ((which)) that reduce required parking under subsection B. of this section
3683 shall provide transit shelters if transit routes adjoin the site.

3684 SECTION 53. Ordinance 10870, Section 435, and K.C.C. 21A.20.150 are hereby
3685 amended to read as follows:

3686 A. In the event that a billboard owner elects to relocate CB zoned billboards
3687 outside of the CB zone, the CB ((zone designation)) zoning classification shall be
3688 removed and that permit may not later be used to relocate a billboard in the CB zone.

3689 B. Billboards may be relocated only within the zone district identified on the
3690 valid billboard permit, except the number of billboards permitted within non-CB zone
3691 district may increase only as a result of billboard relocation from within the CB zone
3692 district.

3693 SECTION 54. Ordinance 10870, Section 439, as amended, and K.C.C.
3694 21A.22.010 are hereby amended to read as follows:

3695 The purpose of this chapter is to establish standards that minimize the impacts of
3696 mineral extraction ((and)) or processing, coal mining, materials processing ((operations))
3697 facilities and fossil fuel facilities upon surrounding properties by:

3698 A. Ensuring adequate review of operating aspects of mineral extraction (~~and~~) or
3699 processing, coal mining, materials processing facility and fossil fuel facility sites;

3700 B. Requiring project phasing on large sites to minimize environmental impacts;

3701 C. Requiring minimum site areas large enough to provide setbacks and
3702 mitigations necessary to protect environmental quality; and

3703 D. Requiring periodic review of mineral extraction (~~and~~) or processing, coal
3704 mining, materials processing (~~operations~~) facilities and fossil fuel facilities to ensure
3705 compliance with the approved operating standards.

3706 SECTION 55. Ordinance 10870, Section 440, as amended, and K.C.C.

3707 21A.22.020 are hereby amended to read as follows:

3708 This chapter shall only apply to the following uses or activities (~~that are~~):

3709 A. (~~m~~)Mineral extraction or processing, or both, and including SIC 10 and 14;

3710 B. Coal mining, including SIC 12;

3711 C. (~~m~~)Materials processing (~~operations~~) facilities; and

3712 D. Fossil fuel facilities.

3713 SECTION 56. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are hereby
3714 amended to read as follows:

3715 (~~Extractive~~) Mineral extraction or processing operations, coal mine operations
3716 and materials processing facility operations shall commence only after issuance of a
3717 grading permit by the county.

3718 SECTION 57. Ordinance 15032, Section 26, as amended, and K.C.C.

3719 21A.22.035 are hereby amended to read as follows:

3720 A. Not later than thirty days after the department provides the notice of
3721 application to the public required by K.C.C. 20.20.060 ((~~on~~)) for a ((~~mineral extraction or~~
3722 ~~materials processing operations. The regulations in site~~)) use regulated under this chapter
3723 will apply, or for an expansion of an existing ((~~mineral extraction or materials processing~~
3724 ~~site or operation~~)) use regulated under this chapter beyond the scope of the prior
3725 environmental review, the applicant shall hold a community meeting. The notice of
3726 application shall include notification of the date, time and location of the community
3727 meeting. At the meeting, the applicant shall provide information relative the proposal,
3728 including information on existing residences and lot patterns within one-quarter mile of
3729 potential sites and on alternative haul routes. The applicant shall also provide a
3730 preliminary evaluation at the meeting of any alternative routes that have been provided to
3731 the applicant in writing at least five days in advance of the meeting. The applicant shall
3732 provide to the department within fourteen days after the community meeting a written list
3733 of meeting attendees and documentation of the meeting.

3734 B. Public notice of the community meeting required by this section shall be
3735 prepared, posted and distributed in accordance with K.C.C. 20.20.060 at least two weeks
3736 before the community meeting. In addition, the department shall:

3737 1. Publish a notice of the meeting in a local newspaper of general circulation in
3738 the affected area;

3739 2. Mail the notice of the meeting to all property owners within one-quarter mile
3740 of the proposed or expanded site or to at least twenty of the property owners nearest to
3741 the site, whichever is greater; and

3742 3. Mail the notice of the meeting to all property owners within five hundred feet
3743 of any proposed haul route from the site to the nearest arterial.

3744 SECTION 58. Ordinance 10870, Section 442, as amended, and K.C.C.
3745 21A.22.040 are hereby amended to read as follows:

3746 To the maximum extent practicable, nonconforming ~~((mineral extraction~~
3747 operations)) uses regulated under this chapter shall be brought into conformance with the
3748 operating conditions and performance standards of this chapter during permit renewal.
3749 The department shall establish a schedule for conformance during the first periodic
3750 review of the nonconforming ~~((mineral extraction))~~ operation or facility and
3751 incorporate~~((d))~~ such a schedule into the permit conditions.

3752 SECTION 59. ~~mining operations, including~~ Ordinance 10870, Section 443, as
3753 amended, and K.C.C. 21A.22.050 are hereby amended to read as follows:

3754 A. In addition to the review conducted as part of the annual renewal of a mineral
3755 extraction or processing operating permit, coal mine permit or materials processing
3756 facility permit, the department shall conduct a periodic review of mineral extraction
3757 ~~((and))~~ or processing, coal mine, materials processing ~~((operation))~~ facility or fossil fuel
3758 facility site design and operating standards at five-year intervals from the date of issuance
3759 of the permit.

3760 B. The periodic review is a Type 2 land use decision.

3761 C. The periodic review shall ~~((determine))~~:

3762 1. Determine ~~((W))~~ whether the site is operating consistent with all existing
3763 permit conditions and, if not, establish corrective actions; and

3764 2. ~~((That))~~ Apply the most current site design and operating standards ~~((are~~

3765 applied)) to the site through additional or revised permit conditions as necessary to
3766 mitigate identifiable environmental, public health and public safety impacts.

3767 SECTION 60. Ordinance 10870, Section 444, as amended, and K.C.C.
3768 21A.22.060 are hereby amended to read as follows:

3769 Except as otherwise provided (~~((for nonconforming mineral extraction operations))~~)
3770 in K.C.C. 21A.22.040, in addition to requirements in this title, all (~~(mineral extraction~~
3771 ~~and materials processing operations))~~) uses regulated under this chapter shall comply with
3772 the following standards:

3773 A. The minimum site area (~~(of a mineral extraction or materials processing~~
3774 ~~operation))~~) shall be ten acres;

3775 B. (~~(Mineral extraction or materials processing operations o))~~)On sites larger than
3776 twenty acres, activities shall occur in phases to minimize environmental impacts. The
3777 size of each phase shall be determined during the review process;

3778 C. If the department determines they are necessary to eliminate a safety hazard,
3779 fences or alternatives to fences (~~(approved by the department,))~~) shall be:

3780 1. Provided in a manner that discourages access to areas of the site where:

3781 a. active extracting, processing, stockpiling and loading of materials is
3782 occurring;

3783 b. boundaries are in common with residential or commercial zone property or
3784 public lands; or

3785 c. any unstable slope or any slope exceeding a grade of forty percent is present;

3786 2. At least six feet in height above the grade measured at a point five feet
3787 outside the fence and the fence material shall have no opening larger than two inches;

3788 3. Installed with lockable gates at all openings or entrances;
3789 4. No more than four inches from the ground to fence bottom; and
3790 5. Maintained in good repair;

3791 D. Warning and trespass signs advising of the ((~~mineral extraction or materials~~
3792 ~~processing operation~~)) use shall be placed on the perimeter of the site adjacent to RA, UR
3793 or R zones at intervals no greater than two hundred feet along any unfenced portion of the
3794 site where the items noted in subsection C.1.((~~a. through e.~~)) of this section are present;

3795 E. Structural setbacks from property lines shall be as follows:

3796 1. Buildings, structures and stockpiles used in the processing of materials shall
3797 be no closer than:

3798 a. one hundred feet from any residential zoned properties except that the
3799 setback may be reduced to fifty feet when the grade where such building or structures are
3800 proposed is fifty feet or greater below the grade of the residential zoned property;

3801 b. fifty feet from any other zoned property, except when adjacent to another
3802 ((~~mineral extraction or materials processing site~~)) use regulated under this chapter;

3803 c. the greater of fifty feet from the edge of any public street or the setback from
3804 residential zoned property on the far side of the street; and

3805 2. Offices, scale facilities, equipment storage buildings and stockpiles, including
3806 those for reclamation, shall not be closer than fifty feet from any property line except
3807 when adjacent to another ((~~mineral extraction or materials processing site~~)) use regulated
3808 under this chapter or M or F zoned property. Facilities necessary to control access to the
3809 site, when demonstrated to have no practical alternative, may be located closer to the
3810 property line;

3811 F. On-site clearing, grading or excavation, excluding that necessary for required
3812 access, roadway or storm drainage facility construction or activities in accordance with
3813 an approved reclamation plan, shall not be permitted within fifty feet of any property line
3814 except along any portion of the perimeter adjacent to another ((~~mineral extraction or~~
3815 ~~materials processing operation~~)) use regulated under this chapter or M or F zoned
3816 property. If native vegetation is restored, temporary disturbance resulting from
3817 construction of noise attenuation features located closer than fifty feet shall be permitted;

3818 G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except
3819 using only plantings native to the surrounding area, shall be provided along any portion
3820 of the site perimeter where site disturbances ((~~such as site clearing and grading, or~~
3821 ~~mineral extraction or materials processing is~~)) associated with a use regulated under this
3822 chapter are performed, except where adjacent to another ((~~mineral extraction, materials~~
3823 ~~processing or~~)) use regulated under this chapter, forestry operation or M or F-zoned
3824 property;

3825 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82
3826 shall be applied; and

3827 I. Lighting shall:

3828 1. Be limited to that required for security, lighting of structures and equipment,
3829 and vehicle operations; and

3830 2. Not directly glare onto surrounding properties.

3831 SECTION 61. Ordinance 10870, Section 445, as amended, and K.C.C.
3832 21A.22.070 are hereby amended to read as follows:

3833 Operating conditions and performance standards for all clearing and grading
3834 activity for a use regulated under this chapter shall be as specified in K.C.C. chapter
3835 16.82 except:

3836 A.1. Noise levels (~~(produced by a mineral extraction or materials processing~~
3837 operation)) shall not exceed levels specified by K.C.C. chapter 12.86;

3838 2. Hours of operation (~~(for mineral extraction and materials processing~~
3839 facilities)), unless otherwise specified by the director, shall be between 7:00 a.m. and
3840 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and
3841 holidays;

3842 3. Before approving any variation of the hours of operation, the department
3843 shall:

3844 a. determine whether on-site operations can comply with nighttime noise
3845 standards in accordance with K.C.C. 12.86.110, and K.C.C. 12.86.120;

3846 b. determine whether the variance would cause significant adverse noise
3847 impacts to the community in accordance with standards and methodologies developed by
3848 the Federal Transit Administration, Federal Highway Administration or World Health
3849 Organization, or any combination thereof, for evaluating noise impacts, or other
3850 comparable standards and methods; and

3851 c. require mitigation for any identified impacts before the department approves
3852 a variation in the hours of operation; and

3853 4. The director's decision to approve a variation in the hours of operation shall
3854 be in writing and shall include a specific finding of compliance with the noise standards,
3855 the facts and conclusions supporting that finding and any mitigation, conditions or

3856 limitations imposed. All decisions made under this subsection shall be compiled by the
3857 department and made available for public inspection;

3858 B. Blasting shall be conducted under an approved blasting plan:

3859 1. Consistent with the methods specified in the Office of Surface Mining
3860 Enforcement and Reclamation 1987 Blasting Guidance Manual in a manner that protects
3861 from damage all structures, excluding those owned and directly used by the operator, and
3862 persons in the vicinity of the blasting area, including, but not limited to ~~SIC Major~~
3863 Groups 10, 12 and 14., adherence to the following:

3864 a. Airblast levels shall not exceed one hundred thirty-three decibels measured
3865 by a two Hz or lower flat response system at the nearest residential property or place of
3866 public assembly;

3867 b. Flyrock shall not be cast one-half the distance to the nearest residential
3868 property, place of public assembly or the property boundary, whichever is less. For the
3869 purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior
3870 to any enclosed structure, at ground surface, which separates the property of one or more
3871 persons from that owned by others, and its vertical extension; and

3872 c. Ground motion shall not exceed ground vibration levels damaging to
3873 structures using one of the four accepted methods in the Office of Surface Mining
3874 Enforcement and Reclamation 1987 Blasting Guidance Manual;

3875 2. During daylight hours; and

3876 3. According to a time schedule, provided to residents within one-half mile of
3877 the site, that features regular or predictable times, except in the case of an emergency. If

3878 requested by a resident, the operator shall provide notice of changes in the time schedule
3879 at least twenty four hours before the changes take effect;

3880 C.1. Dust and smoke ((~~produced by mineral extraction and materials processing~~
3881 operations)) shall be controlled by best management practices to comply with relevant
3882 regulations of the Puget Sound Clean Air Agency.

3883 2. Dust and smoke ((~~from process facilities~~)) shall be controlled in accordance
3884 with a valid operating permit from the Puget Sound Clean Air Agency, when required.
3885 Copies of the permit shall be kept onsite and available for department and public
3886 inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be
3887 provided to the department on permit monitoring data submittal dates.

3888 3. Dust and smoke ((~~from process facilities~~)) shall not significantly increase the
3889 existing levels of suspended particulates at the perimeter of the site;

3890 D. The applicant shall prevent rocks, dirt, mud and any raw or processed material
3891 from spilling from or being tracked by trucks onto public roadways and shall be
3892 responsible for cleaning debris or repairing damage to roadways caused by the operation;

3893 E. The applicant shall provide traffic control measures such as flaggers or
3894 warning signs as determined by the department during all hours of operation;

3895 F. The operator shall control surface water and site discharges to comply with
3896 K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the
3897 stormwater pollution prevention manual. For the life of the ((~~mineral resource~~))
3898 operation and until site reclamation is complete, the operator shall maintain a valid
3899 Washington state Department of Ecology National Pollutant Discharge Elimination
3900 System individual permit or maintain coverage under the sand and gravel general permit.

3901 The operator shall keep onsite and available for department review copies of the erosion
3902 and sediment control plan, the applicable National Pollution Discharge Elimination
3903 System individual or general permit and the Stormwater Pollution Prevention Plan. The
3904 operator shall make the plans and permit available for public inspection upon request.
3905 The operator shall provide to the department copies of the monitoring results on permit
3906 monitoring data submittal dates. The department shall make the monitoring results
3907 available for public inspection. If the department determines that National Pollution
3908 Discharge Elimination System monitoring frequency or type is not adequate to meet the
3909 demands of the site and the requirements of this subsection, the department may require
3910 more frequent and detailed monitoring and may require a program designed to bring the
3911 site into compliance;

3912 G. The operator shall not excavate below the contours determined through
3913 hydrologic studies necessary to protect groundwater and the upper surface of the
3914 saturated groundwater that could be used for potable water supply;

3915 H. If contamination of surface or ground water by herbicides is possible, to the
3916 maximum extent practicable, mechanical means shall be used to control noxious weeds
3917 on the site;

3918 I. Upon depletion of ((~~mineral~~)) resources or abandonment of the site, the
3919 operator shall remove all structures, equipment and appurtenances accessory to
3920 operations; and

3921 J. If the operator fails to comply with this section, the department shall require
3922 modifications to operations, procedures or equipment until compliance is demonstrated to

3923 the satisfaction of the department. If the modifications are inconsistent with the approved
3924 permit conditions, the department shall revise the permit accordingly.

3925 SECTION 62. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081
3926 are hereby amended to read as follows:

3927 A. A valid clearing and grading permit shall be maintained on a mineral
3928 extraction or coal mine site until the reclamation of the site required under chapter 78.44
3929 RCW is completed.

3930 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be
3931 submitted before the effective date of a zone reclassification in Mineral-zoned properties
3932 or the acceptance of any development proposal for a subsequent use in Forest-zoned
3933 properties. The zone reclassification shall grant potential zoning that is only to be
3934 actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of
3935 all requirements of the reclamation plan. Development proposals in the Forest zone for
3936 uses subsequent to mineral extraction or coal mine operations shall not be approved until
3937 demonstration of successful completion of all requirements of the reclamation plan
3938 except that forestry activities may be permitted on portions of the site already fully
3939 reclaimed.

3940 C. Mineral extraction and coal mine operations that are not required to have an
3941 approved reclamation plan under chapter 78.44 RCW shall meet the following
3942 requirements:

3943 1. Upon the exhaustion of minerals or materials or upon the permanent
3944 abandonment of the quarrying or mining operation, all nonconforming buildings,

3945 structures, apparatus or appurtenances accessory to the quarrying and mining operation
3946 shall be removed or otherwise dismantled to the satisfaction of the director;

3947 2. Final grades shall:

3948 a. be such so as to encourage the uses permitted within the primarily
3949 surrounding zone or, if applicable, the underlying or potential ((zone)) zoning
3950 classification; and

3951 b. result in drainage patterns that reestablish natural conditions of water
3952 velocity, volume, and turbidity within six months of reclamation and that precludes water
3953 from collecting or becoming stagnant. Suitable drainage systems approved by the
3954 department shall be constructed or installed where natural drainage conditions are not
3955 possible or where necessary to control erosion. All constructed drainage systems shall be
3956 designed consistent with the Surface Water Design Manual;

3957 3. All areas subject to grading or backfilling shall:

3958 a. incorporate only nonnoxious, nonflammable, noncombustible and
3959 nonputrescible solids; and

3960 b. except for roads and areas incorporated into drainage facilities, be surfaced
3961 with soil of a quality at least equal to the topsoil of the land areas immediately
3962 surrounding, and to a depth of the topsoil of land area immediately surrounding six
3963 inches, whichever is greater. The topsoil layer shall have an organic matter content of
3964 eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original
3965 undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be
3966 tilled or scarified before topsoil placement;

3967 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both
3968 profile and plan view and blend with adjacent topography to a reasonable extent;
3969 5. Where excavation has penetrated the seasonal or permanent water table
3970 creating a water body or wetland:
3971 a. All side slopes below the permanent water table and banks shall be graded
3972 or shaped as to not constitute a safety hazard;
3973 b. Natural features and plantings to provide beneficial wetland functions and
3974 promote wildlife habitat shall be provided; and
3975 c. Appropriate drainage controls shall be provided to stabilize the water level
3976 and not create potential flooding hazards;
3977 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,
3978 shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the
3979 surrounding area and appropriate for the soil, moisture and exposure conditions;
3980 7. Waste or soil piles shall be used for grading, backfilling or surfacing if
3981 permissible under this section, then covered with topsoil and planted in accordance with
3982 subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill
3983 in accordance with this chapter or as top soil in accordance with subsection C.3. of this
3984 section shall be removed from the site; and
3985 8. Where excavation has exposed natural materials that may create polluting
3986 conditions, including, but not limited to, acid-forming coals and metalliferous rock or
3987 soil, such conditions shall be addressed to the satisfaction of the department. The final
3988 ground surface shall be graded so that surface water drains away from any such materials
3989 remaining on the site.

3990 D. The department may modify any requirement of this section when not
3991 applicable or if it conflicts with an approved subsequent use for the site.

3992 SECTION 63. Ordinance 15032, Section 34, and K.C.C. 21A.22.085 are hereby
3993 amended to read as follows:

3994 The applicant shall mitigate adverse impacts resulting from the ((~~extraction or~~
3995 ~~processing operations~~)) use regulated under this chapter and monitor to demonstrate
3996 compliance with this chapter.

3997 SECTION 64. Sections 65 and 66 of this ordinance should constitute a new chapter
3998 in K.C.C. Title 21A.

3999 NEW SECTION. SECTION 65. Within the sea level rise risk area the following
4000 standards apply:

4001 A. All new, substantially improved, or converted residential or nonresidential
4002 buildings shall be elevated on pilings and columns in a manner consistent with applicable
4003 floodplain development standards in this title, K.C.C. Title 16, the Federal Emergency
4004 Management Agency Coastal Construction Manual and other applicable requirements,
4005 and in a manner that provides the following, at a minimum:

4006 1. The bottom of the lowest horizontal structural member of the lowest floor,
4007 excluding the pilings or columns, is elevated to or above the sea level rise protection
4008 elevation;

4009 2. The pile or column foundation and building attached thereto is anchored to
4010 resist flotation, collapse and lateral movement due to the effects of flood water, wind and
4011 other loads as prescribed in this title acting simultaneously on all building components.
4012 Wind and water loading values shall each have a one percent chance of being equaled or

4013 exceeded in any given year; and

4014 3. All building utilities are elevated to or above the flood protection elevation.

4015 B. A registered professional engineer licensed by the state of Washington shall
4016 prepare the structural design, specifications and plans for the building, and shall certify
4017 that the design and methods of construction to be used are in accordance with accepted
4018 standards of practice for meeting the provisions of subsection A. of this section, including
4019 applicable floodplain development standards in this title, K.C.C. Title 16, the Federal
4020 Emergency Management Agency Coastal Construction Manual and other applicable
4021 requirements;

4022 C. The applicant shall provide a complete Federal Emergency Management
4023 Agency elevation certificate on the most current version of the form completed by a land
4024 surveyor licensed by the state of Washington documenting the elevation of the bottom of
4025 the lowest structural member of the lowest floor, excluding pilings and columns, of all
4026 new and substantially improved buildings and additions affixed to the side of a building.
4027 The elevation certificate should note whether or not the buildings contain a basement.
4028 The department shall maintain the Federal Emergency Management Agency elevation
4029 certificates required by this section for public inspection and for certification under the
4030 National Flood Insurance Program;

4031 D. All new buildings and substantial improvements to existing buildings shall
4032 maintain the space below the lowest floor free of obstruction. Breakaway walls are
4033 prohibited. The space can include nonsupporting open wood lattice-work or insect
4034 screening that is intended to collapse under wind and wave loads without causing
4035 collapse, displacement or other structural damage to the elevated portion of the building

4036 or supporting foundation system. The space below the lowest floor can be used only for
4037 parking of vehicles, building access or limited storage of readily removable items. The
4038 space shall not be used for human habitation;

4039 E. Fill for structural support of buildings is prohibited;

4040 F. All manufactured homes to be placed or substantially improved within the sea
4041 level rise risk area shall meet the standards in subsections A. through E. of this section
4042 _____ ; and

4043 G. The department shall provide notice to all applicants for new development or
4044 redevelopment located within the sea level rise risk area that the development may be
4045 impacted by sea level rise and recommend that the applicant voluntarily consider setting
4046 the development back further than required by this title to allow for future sea level rise.

4047 NEW SECTION. SECTION 66.

4048 A. The director may approve sea level rise risk area variances to this chapter. In
4049 reviewing and evaluating sea level rise risk area variance applications, the director shall
4050 consider all technical evaluations and relevant factors, including, but not limited to:

4051 _____ 1. The danger that materials may be swept onto other lands to the injury of
4052 others;

4053 _____ 2. The danger to life and property due to coastal flooding or erosion damage;

4054 _____ 3. The susceptibility of the proposed building or facility and its contents to flood
4055 damage and the effect of the damage on the individual owner;

4056 _____ 4. The importance of the services provided by the proposed building or facility
4057 to the community;

4058 _____ 5. The necessity to the building or facility of a waterfront location;

- 4059 6. The availability of alternative locations for the proposed use that are not
4060 subject to flooding or erosion damage;
- 4061 7. The potential of the proposed development to create an adverse effect on a
4062 federally or state-protected species or habitat;
- 4063 8. The compatibility of the proposed use with existing and anticipated
4064 development;
- 4065 9. The relationship of the proposed use to the Comprehensive Plan, shoreline
4066 master program and flood hazard management plan;
- 4067 10. The safety of access to the property in times of flooding for ordinary and
4068 emergency vehicles;
- 4069 11. The expected heights, velocity, duration, rate of rise, sediment transport of
4070 the floodwaters and effects of wave action expected at the site;~~41~~
- 4071 12. The costs of providing governmental services during and after flood
4072 conditions, including emergency management services and maintenance and repair of
4073 public utilities and facilities such as sewer, gas, electrical, water systems, streets and
4074 bridges; and
- 4075 13. Current and future risks from sea level rise conditions anticipated to occur
4076 over the next fifty years.
- 4077 B. The director may only approve a sea level rise risk area variance upon a
4078 determination that:
- 4079 1. Failure to grant the sea level rise risk area variance would result in an
4080 exceptional hardship to the applicant;
- 4081 2. The granting of a sea level rise risk area variance will not result in additional

4082 threats to public safety, extraordinary public expense, create nuisances, cause fraud on or
4083 victimization of the public or conflict with existing laws or ordinances; and

4084 3. The sea level rise risk area variance is the minimum necessary, considering
4085 the flood or erosion hazard, to afford relief.

4086 C. An applicant for sea level rise risk area variance shall be given a written notice
4087 that the approval of the sea level rise risk area variance to construct a structure below the
4088 sea level rise protection elevation established in this chapter in may result in higher future
4089 flood insurance premium rates up to amounts as high as twenty-five dollars per one
4090 hundred dollars of coverage and that the construction below the sea level rise protection
4091 elevation increases risks to life and property.

4092 D.1. An application for a sea level rise risk area variance shall be submitted in
4093 writing to the department of local services, permitting division, together with any
4094 supporting documentation that demonstrates how the proposal meets the criteria in this
4095 section.

4096 2. An application for a sea level rise risk area variance under this section shall
4097 be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

4098 3. Sea level rise risk area variances that allow the establishment of a use not
4099 otherwise permitted in the zone where the proposal is located shall not be permitted.

4100 4. The variance standards in K.C.C. 21A.44.030 and the alteration exception
4101 standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk
4102 area regulations of this chapter.

4103 5. The department shall maintain in perpetuity a record of all requests for
4104 variances, including justification for their issuance.

4105 SECTION 67. Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are hereby
4106 amended to read as follows:

4107 A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during
4108 review of an application for a single detached dwelling unit, the director may approve an
4109 alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated
4110 buffer, landslide hazard area and associated buffer and critical area setback as follows:

4111 1. There is no feasible alternative to the development proposal with less adverse
4112 impact on the critical area;

4113 2. The alteration is the minimum necessary to accommodate residential use of the
4114 property;

4115 3. The approval does not require the modification of a critical area development
4116 standard established by this chapter;

4117 4. The development proposal does not pose an unreasonable threat to the public
4118 health, safety or welfare on or off the development proposal site and is consistent with the
4119 general purposes of this chapter and the public interest;

4120 5. No more than five thousand square feet or ten percent of the site, whichever is
4121 greater, are disturbed by structures, building setbacks or other land alteration, including
4122 grading, utility installations and landscaping, but not including the area used for a driveway
4123 or for an on-site sewage disposal system. For purposes of this section, areas located within
4124 the shoreline jurisdiction that are below the ordinary high water mark shall not be included
4125 in calculating the site area;

4126 6. The applicant submits an approved rural stewardship plan or forest stewardship
4127 plan prepared in accordance with this chapter that addresses the development proposal and

4128 the proposed use of the property; and

4129 7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

4130 B. The applicant for the waiver of the alteration exception process shall submit any
4131 critical areas studies, alternatives analysis and other documents requested by the
4132 department following a preapplication review meeting.

4133 C. Within fourteen calendar days after the department determines the application
4134 under this section is complete, it shall provide written mailed notice of the proposed
4135 alteration as provided in K.C.C. (~~(20.20.080.H)~~) 20.20.060.H.

4136 D. The department shall allow twenty-one calendar days for comment before
4137 making a decision on the request under this section. The department's decision shall be
4138 mailed to the applicant and to any other person who requests a copy. The decision shall
4139 state the reasons for the decision and, if approved, shall include any required mitigation or
4140 conditions.

4141 SECTION 4268. Ordinance 10870, Section 478, as amended, and K.C.C.
4142 21A.24.310 are hereby amended to read as follows:

4143 The following development standards apply to development proposals and
4144 alterations on sites containing steep slope hazard areas:

4145 A. Except as provided in subsection D. of this section, unless allowed as an
4146 alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.
4147 21A.24.045 are allowed within a steep slope hazard area;

4148 B. A buffer is required from all edges of the steep slope hazard area. To
4149 eliminate or minimize the risk of property damage or injury resulting from slope
4150 instability, landsliding or erosion caused in whole or part by the development, the

4151 department shall determine the size of the buffer based upon a critical area report
4152 prepared by a geotechnical engineer or geologist. The department of local services shall
4153 adopt a public rule to implement this subsection ~~B of this section~~, including
4154 implementing the requirements for development and review of a critical area report.
4155 ~~1. Except for new structures and substantial improvements to existing structures~~
4156 ~~on sites containing steep slope hazard areas defined in subsection B.2. of this section:~~
4157 ~~a. ((I))if a critical area report is not submitted to the department, the minimum~~
4158 ~~buffer is fifty feet((.)); and~~
4159 ~~1. ~~b. ((F))for building permits for single detached dwelling units only, the~~~~
4160 ~~department may waive the special study requirement and authorize buffer reductions if~~
4161 ~~the department determines that the reduction will adequately protect the proposed~~
4162 ~~development and the critical area.~~
4163 ~~2. For new structures and substantial improvements to existing structures on~~
4164 ~~sites where any portion of the steep slope hazard area extends into the coastal high hazard~~
4165 ~~area or the sea level rise risk area, the department shall determine the size of the buffer~~
4166 ~~based upon:~~
4167 ~~((If a)) a. The critical area report prepared by a geotechnical engineer or~~
4168 ~~geologist that includesshall include an assessment of current and future risks of sea level~~
4169 ~~rise conditions anticipated to occur over the next fifty years. ~~If a critical area report is not~~~~
4170 ~~submitted to the department, the minimum buffer is seventy five feet; ((and)) and a~~
4171 ~~recommended buffer;~~
4172 ~~b. If a critical area report is not submitted to the department, the minimum~~
4173 ~~buffer shall be seventy-five feet;~~

4174 2. For all other development not identified in subsection B.1.:
4175 a. If a critical area report is not submitted to the department, the minimum
4176 buffer ((is)) shall be fifty feet((-)); and
4177 b. For building permits for single detached dwelling units only, the department
4178 may waive the special study requirement and authorize buffer reductions if the
4179 department determines that the reduction will adequately protect the proposed
4180 development and the critical area; ((and))

4181 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
4182 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is
4183 prohibited; and

4184 D. All alterations are allowed in the following circumstance:

4185 1. Slopes which are forty percent or steeper with a vertical elevation change of
4186 up to twenty feet if no adverse impact will result from the exemption based on King
4187 County's review of and concurrence with a soils report prepared by a geologist or
4188 geotechnical engineer; and

4189 2. The approved regrading of any slope which was created through previous
4190 legal grading activities. Any slope which remains forty percent or steeper following site
4191 development shall be subject to all requirements for steep slopes.

4192 SECTION 4369. Ordinance 15051, Section 179, as amended, and K.C.C.
4193 21A.24.316 are hereby amended to read as follows:

4194 The following development standards apply to development proposals and
4195 alterations on sites containing critical aquifer recharge areas:

4196 A. Except as otherwise provided in subsection H. of this section, the following

4197 new development proposals and alterations are not allowed on a site located in a category
4198 I critical aquifer recharge area:

- 4199 1. Transmission pipelines carrying petroleum or petroleum products;
- 4200 2. Sand and gravel, and hard rock mining unless:
 - 4201 a. the site has mineral zoning as of January 1, 2005; or
 - 4202 b. mining is a permitted use on the site and the critical aquifer recharge area
4203 was mapped after the date a complete application for mineral extraction on the site was
4204 filed with the department;
- 4205 3. Mining of any type below the upper surface of the saturated ground water that
4206 could be used for potable water supply;
- 4207 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 4208 5. Hydrocarbon extraction;
- 4209 6. Commercial wood treatment facilities on permeable surfaces;
- 4210 7. Underground storage tanks, including tanks that are exempt from the
4211 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter
4212 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.
4213 Title 17;
- 4214 8. Above-ground storage tanks for hazardous substances, as defined in chapter
4215 70.105 RCW, unless protected with primary and secondary containment areas and a spill
4216 protection plan;
- 4217 9. Golf courses;
- 4218 10. Cemeteries;
- 4219 11. Wrecking yards;

4220 12. Landfills for hazardous waste, municipal solid waste or special waste, as
4221 defined in K.C.C. chapter 10.04; and

4222 13. On lots smaller than one acre, an on-site septic system, unless:

4223 a. the system is approved by the Washington state Department of Health and
4224 has been listed by the Washington State Department of Health as meeting treatment
4225 standard N as provided in WAC chapter 426-~~(172A)~~272A; or

4226 b. the Seattle-King County department of public health determines that the
4227 systems required under subsection A.13.a. of this section will not function on the site.

4228 B. Except as otherwise provided in subsection H. of this section, the following
4229 new development proposals and alterations are not allowed on a site located in a category
4230 II critical aquifer recharge area:

4231 1. Mining of any type below the upper surface of the saturated ground water that
4232 could be used for potable water supply;

4233 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

4234 3. Hydrocarbon extraction;

4235 4. Commercial wood treatment facilities located on permeable surfaces;

4236 5.a. Except for a category II critical aquifer recharge area located over an
4237 aquifer underlying an island that is surrounded by saltwater, underground storage tanks
4238 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the
4239 requirements of chapter 173-360 WAC and K.C.C. Title 17; and

4240 b. For a category II critical aquifer recharge area located over an aquifer
4241 underlying an island that is surrounded by saltwater, underground storage tanks,
4242 including underground storage tanks exempt from the requirements of chapter 173-360

4243 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply
4244 with the standards in chapter 173-360 WAC and K.C.C. Title 17;

4245 6. Above-ground storage tanks for hazardous substances, as defined in chapter
4246 70.105 RCW, unless protected with primary and secondary containment areas and a spill
4247 protection plan;

4248 7. Wrecking yards;

4249 8. Landfills for hazardous waste, municipal solid waste, or special waste, as
4250 defined in K.C.C. chapter 10.04; and

4251 9. On lots smaller than one acre, an on-site septic systems, unless:

4252 a. the system is approved by the Washington state Department of Health and
4253 has been listed by the Washington state Department of Health as meeting treatment
4254 standard N as provided in WAC chapter 426-~~((172A))~~272A; or

4255 b. the Seattle-King County department of public health determines that the
4256 systems required under subsection B.9.a. of this section will not function on the site.

4257 C. Except as otherwise provided in subsection H. of this section, the following
4258 new development proposals and alterations are not allowed on a site located in a category
4259 III critical aquifer recharge area:

4260 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

4261 2. Hydrocarbon extraction;

4262 3. Commercial wood treatment facilities located on permeable surfaces;

4263 4. Underground storage tanks, including tanks exempt from the requirements of
4264 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,
4265 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;

4266 5. Above ground storage tanks for hazardous substances, as defined in chapter
4267 70.105 RCW, unless protected with primary and secondary containment areas and a spill
4268 protection plan;

4269 6. Wrecking yards; and

4270 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
4271 defined in K.C.C. chapter 10.04.

4272 D. The following standards apply to development proposals and alterations that
4273 are substantial improvements on a site located in a critical aquifer recharge area:

4274 1. The owner of an underground storage tank, including a tank that is exempt
4275 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge
4276 area or a category II critical aquifer recharge area located over an aquifer underlying ~~((an~~
4277 ~~island that is surrounded by saltwater))~~ [Vashon-Maury Island](#) shall either bring the tank
4278 into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly
4279 decommission or remove the tank; and

4280 2. The owner of an underground storage tank in a category II critical aquifer
4281 recharge area not located on located over an aquifer underlying ~~((an island that is~~
4282 ~~surrounded by saltwater))~~ [Vashon-Maury Island](#) shall bring the tank into compliance with
4283 the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly
4284 decommission or remove the tank.

4285 E. In any critical aquifer recharge area, the property owner shall properly
4286 decommission an abandoned well.

4287 F. On a site located in a critical aquifer recharge area within the urban growth
4288 area, a development proposal for new residential development, including, but not limited

4289 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management
4290 practices included in the King County Surface Water Design Manual into the site design
4291 in order to infiltrate stormwater runoff to the maximum extent practical.

4292 G. ~~((On an island surround by saltwater, the,))~~ For critical aquifer recharge areas
4293 on Vashon-Maury Island:

4294 1. No new groundwater wells are permitted within a coastal high hazard area. A
4295 rainwater catchment system may be used as an alternative water supply source for a
4296 single family residence if the requirements of K.C.C. 13.04.070 are met;

4297 2. All new groundwater wells within a sea level rise risk area shall include a
4298 surface seal that prevents risks of saltwater contamination caused by sea level rise
4299 conditions anticipated to occur over the next fifty years; and

4300 3. ((~~†~~))The owner of a new well located within ((two hundred feet of the
4301 ordinary high water mark of the marine shoreline)) the sea level rise risk area and within
4302 a critical aquifer recharge area)) the sea level rise risk area shall test the well for chloride
4303 levels using testing protocols approved by the Washington state Department of Health.

4304 The owner shall report the results of the test to Seattle-King County department of public
4305 health and to the department of natural resources and parks. If the test results indicate
4306 saltwater intrusion is likely to occur, the department of natural resources and parks, in
4307 consultation with Seattle-King County department of public health, shall recommend
4308 appropriate measures in addition to the minimum requirements of this title to prevent
4309 saltwater intrusion.

4310 H. On a site greater than twenty acres, the department may approve a
4311 development proposal otherwise prohibited by subsections A., B. and C. of this section if

4312 the applicant demonstrates through a critical ~~areas~~area((s)) report that the development
 4313 proposal is located outside the critical aquifer recharge area and that the development
 4314 proposal will not cause a significant adverse environmental impact to the critical aquifer
 4315 recharge area.

4316 I. The provisions relating to underground storage tanks in subsections A. through
 4317 D. of this section apply only when the proposed regulation of underground storage tanks
 4318 has been submitted to and approved by the Washington state department of ecology, in
 4319 accordance with 90.76.040 RCW and WAC 173-360-530.

4320 ~~_____ J.~~ SECTION 70. Ordinance 15051, Section 185, as amended, and K.C.C.
 4321 21A.24.325 are hereby amended to read as follows:

4322 A. Except as otherwise provided in this section, buffers shall be provided from the
 4323 wetland edge as follows:

4324 1. The buffers shown on the following table apply unless modified in accordance
 4325 with subsections B., C., D. and E. of this section:

<u>WETLAND CATEGORY AND CHARACTERISTICS</u>	<u>INTENSITY OF IMPACT OF ADJACENT LAND USE</u>		
	<u>HIGH IMPACT</u>	<u>MODERATE IMPACT</u>	<u>LOW IMPACT</u>
<u>Category I</u>	-	-	-
<u>Wetlands of High Conservation Value</u>	<u>250 feet</u>	<u>190 feet</u>	<u>125 feet</u>
<u>Bog</u>	<u>250 feet</u>	<u>190 feet</u>	<u>125 feet</u>
<u>Estuarine</u>	<u>200 feet</u>	<u>150 feet</u>	<u>100 feet</u>

<u>Coastal Lagoon</u>	<u>200 feet</u>	<u>150 feet</u>	<u>100 feet</u>
<u>Forested</u>	<u>Buffer width to be based on score for habitat functions or water quality functions</u>		
<u>Habitat score from 8 to 9 points</u> <u>(high level of function)</u>	<u>300 feet</u>	<u>225 feet</u>	<u>150 feet</u>
<u>Habitat score from 6 to 7 points</u> <u>(moderate level of function)</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category I wetlands not meeting any of the criteria above</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
<u>Category II</u>	-	-	-
<u>Estuarine</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Habitat score from 8 to 9 points</u> <u>(high level of function)</u>	<u>300 feet</u>	<u>225 feet</u>	<u>150 feet</u>
<u>Habitat score from 6 to 7 points</u> <u>(moderate level of function)</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category II wetlands not meeting any of the criteria above</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
<u>Category III</u>	-	-	-
<u>Habitat score from 8 to 9 points</u> <u>(high level of function)</u>	<u>300 feet</u>	<u>225 feet</u>	<u>150 feet</u>
<u>Habitat score from 6 to 7 points</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>

<u>(moderate level of function)</u>			
<u>Category III wetlands not meeting any of the criteria above</u>	<u>80 feet</u>	<u>60 feet</u>	<u>40 feet</u>
<u>Category IV</u>	<u>50 feet</u>	<u>40 feet</u>	<u>25 feet</u>

4326 2. For purposes of this subsection A., unless the director determines a lesser level
4327 of impact is appropriate based on information provided by the applicant, the intensity of
4328 impact of the adjacent land use is determined as follows:

4329 a. High impact includes:

4330 (1) sites zoned commercial or industrial;

4331 (2) commercial, institutional or industrial use on a site regardless of the
4332 zoning ((~~designation~~)) classification;

4333 (3) nonresidential use on a site zoned for residential use;

4334 (4) high-intensity active recreation use on a site regardless of zoning, such as
4335 golf courses, ball fields and similar use;

4336 (5) all sites within the Urban Growth Area; or

4337 (6) Residential zoning greater than one dwelling unit per acre;

4338 b. Moderate impact includes:

4339 (1) residential uses on sites zoned residential one dwelling unit per acre or less;

4340 (2) residential use on a site zoned rural area, agriculture or forestry;

4341 (3) agricultural uses without an approved farm management plan;

4342 (4) utility corridors or right-of-way shared by several utilities, including
4343 maintenance roads; or

4344 (5) moderate-intensity active recreation or open space use, such as paved trails,
4345 parks with biking, jogging and similar use; and

4346 c. Low impact includes:

4347 (1) forestry use on a site regardless of zoning ((~~designation~~)) classification;

4348 (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing
4349 and camping areas, and other similar uses that do not require permanent structures, on a site
4350 regardless of zoning;

4351 (3) agricultural uses carried out in accordance with an approved farm
4352 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.
4353 21A.24.045.D.54.; or

4354 (4) utility corridors without a maintenance road and little or no vegetation
4355 maintenance.

4356 B. The department may approve a modification of the minimum buffer width
4357 required by this section by averaging the buffer width if:

4358 1. The department determines that:

4359 a. the buffer averaging will improve wetland protection if the wetland has
4360 significant differences in characteristics that effect habitat functions, such as a wetland with
4361 a forested component adjacent to a degraded emergent component or a "dual-rated"
4362 wetland with a Category I area adjacent to a lower-rated area; or

4363 b. averaging includes the corridors of a wetland complex; and

4364 2. The resulting buffer meets the following standards ~~apply to groundwater wells~~
4365 in:

4366 a. the total area of the buffer after averaging is equivalent to or greater than the
4367 area of the buffer before averaging;

4368 b. the additional buffer is contiguous with the standard buffer;

4369 c. the buffer at its narrowest point is never less than either seventy-five percent
4370 of the required width or seventy-five feet for Category I and II, fifty feet for Category III,
4371 and twenty-five feet for Category IV, whichever is greater;

4372 d. the averaged buffer will not result in degradation of wetland functions and
4373 values as demonstrated by a critical ~~aquifer recharge areas on Vashon-Maury~~
4374 ~~Island~~ area((s)) report from a qualified wetland professional; and

~~4375 1. No new groundwater wells are permitted within a coastal high~~ e. the buffer
4376 is increased adjacent to the higher functioning area of habitat or more sensitive portion of
4377 the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as
4378 demonstrated by a critical area((s)) report from a qualified wetland professional.

4379 C. Wetland buffer widths shall also be subject to modifications under the following
4380 special circumstances:

4381 1. For wetlands containing documented habitat for endangered, threatened or
4382 species of local importance, the following shall apply:

4383 a. the department shall establish the appropriate buffer, based on a habitat
4384 assessment, to ensure that the buffer provides adequate protection for the sensitive species;
4385 and

4386 b. the department may apply the buffer reduction rules in subsection C.6. of this
4387 section and the buffer averaging rules in subsection B. of this section;

4388 2. For a wetland buffer that includes a steep slope hazard area. A rainwater
4389 catchment system may be used or landslide hazard area, the buffer width is the greater of
4390 the buffer width required by the wetland's category in this section or the top of the hazard
4391 area;

4392 3. For a wetland complex located outside the Urban Growth Area established by
4393 the King County Comprehensive Plan or located within the Urban Growth Area in a basin
4394 designated as an alternative water supply source "high" on the Basin and Shoreline
4395 Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer width
4396 is determined as follows:

4397 a. the buffer width for a single family residence each individual wetland in the
4398 complex is the same width as the buffer width required for the category of wetland;

4399 b. if the buffer of a wetland within the complex does not touch or overlap with at
4400 least one other wetland buffer in the complex, a corridor is required from the buffer of that
4401 wetland to one other wetland buffer in the complex considering the following factors:

4402 (1) the corridor is designed to support maintaining viable wildlife species that
4403 are commonly recognized to exclusively or partially use wetlands and wetland buffers
4404 during a critical life cycle stage, such as breeding, rearing or feeding;

4405 (2) the corridor minimizes fragmentation of the wetlands;

4406 (3) higher category wetlands are connected through corridors before lower
4407 category wetlands; and

4408 (4) the corridor width is a least twenty-five percent of the length of the corridor,
4409 but no less than twenty-five feet in width; and

4410 (5) shorter corridors are preferred over longer corridors;

4411 c. wetlands in a complex that are connected by an aquatic area that flows
4412 between the wetlands are not required to be connected through a corridor;

4413 d. the department may exclude a wetland from the wetland complex if the
4414 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
4415 that are commonly recognized to exclusively or partially use wetlands and wetland buffers
4416 during a critical life cycle stage, such as breeding, rearing or feeding; and

4417 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed
4418 in corridors subject to the same conditions and requirements of K.C.C. 13.04.070 as
4419 wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement
4420 through the corridor;

4421 4. Where a legally established roadway transects a wetland buffer, the department
4422 may approve a modification of the minimum required buffer width to the edge of the
4423 roadway if the part of the buffer on the other side of the roadway sought to be reduced:

4424 a. does not provide additional protection of the proposed development or the
4425 wetland; and

4426 b. provides insignificant biological, geological or hydrological buffer functions
4427 relating to the other portion of the buffer adjacent to the wetland;

4428 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the
4429 buffer widths shall be established under the rural stewardship plan and shall not exceed the
4430 standard for a low impact land use, unless the department determines that a larger buffer is
4431 necessary to achieve no net loss of wetland ecological function; and

4432 6. The buffer widths required for proposed land uses with high intensity impacts
4433 to wetlands can be reduced to those required for moderate intensity impacts under the

4434 following conditions:

4435 a. For wetlands that score moderate or high for habitat, which means six points

4436 or higher, the width of the buffer can be reduced if both of the following criteria are met.:

4437 ~~2. All new groundwater wells within the sea level rise risk area shall include a~~

4438 ~~surface seal that prevents risks of saltwater contamination caused by sea level rise~~

4439 ~~conditions anticipated to occur over the next fifty years.~~

4440 (1) A relatively undisturbed vegetated corridor at least one-hundred feet wide

4441 is protected between the wetland and any other Priority Habitats as defined by the

4442 Washington state Department of Fish and Wildlife in the priority habitat and species list.

4443 The corridor must be protected for the entire distance between the wetland and the

4444 priority habitat and legally recorded via a conservation easement; and

4445 (2) Measures to minimize the impacts of different land uses on wetlands as

4446 identified in subsection C.6.b. of this section are applied; and

4447 b. For wetlands that score low for habitat, which means less than six points, the

4448 buffer width can be reduced to that required for moderate intensity impacts by applying

4449 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</u>

	<u>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 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>

4450 D. The department may approve a modification to the buffers established in
4451 subsection A. of this section if the wetland was created or its characterization was upgraded
4452 as part of a voluntary enhancement or restoration project.

4453 E. If the site is located within the shoreline jurisdiction, the department shall
4454 determine that a proposal to reduce wetland buffers under this section will result in no net

4455 loss of shoreline ecological functions.

4456 SECTION 4471. Ordinance 3688, Section 303, as amended, and K.C.C.

4457 21A.25.050 are hereby amended to read as follows:

4458 A. The requirements of the shoreline master program apply to all uses and
4459 development occurring within the shoreline jurisdiction. The King County shoreline
4460 jurisdiction consists of ~~(~~ shorelines, shorelines of statewide significance, and shorelands
4461 as defined in RCW 90.58.030 and K.C.C. chapter 21A.06, and the one-hundred-year
4462 floodplain.

4463 ~~1. All water areas of the state, as defined in RCW 90.58.030, including~~
4464 ~~reservoirs and associated wetlands, together with the lands underlying them, except for:~~

4465 ~~1. a. lakes smaller than twenty acres and their associated wetlands; and~~

4466 ~~1. b. segments of rivers and streams and their associated wetlands where the~~
4467 ~~mean annual flow is less than twenty cubic feet per second; and~~

4468 ~~2. a. The shorelands that extend landward in all directions as measured on a~~
4469 ~~horizontal plane for two hundred feet from the ordinary high water mark of the~~
4470 ~~waterbodies identified in subsection A.1. of this section;~~

4471 ~~1. b. the one hundred year floodplain and contiguous floodplain areas landward two~~
4472 ~~hundred feet from the one hundred year floodplain; and~~

4473 ~~1. c. all wetlands and river deltas associated with the streams, lakes and tidal~~
4474 ~~waters that are subject to chapter 90.58 RCW)) shorelines, shorelines of statewide~~
4475 significance, and shorelines as defined in RCW 90.58.030 and K.C.C. chapter 21A.06
4476 and the one hundred year floodplain.

4477 B. The shoreline jurisdiction does not include tribal reservation lands and lands

4478 held in trust by the federal government for tribes. Nothing in the King County
4479 ~~((S))~~shoreline ~~((M))~~master ~~((P))~~program or action taken under that program shall affect
4480 any treaty right to which the United States is a party.

4481 C. The lakes and segments of rivers and streams constituting the King County
4482 shoreline jurisdiction are set forth in Attachment ~~((K((:)))~~H to ~~((Ordinance 17485 and as~~
4483 ~~amended by))~~ this ordinance. The King County shoreline jurisdiction is shown on a map
4484 adopted in chapter ~~((5))~~6 of the King County Comprehensive Plan. If there is a
4485 discrepancy between the map and the criteria established in subsection A. of this section,
4486 the criteria shall constitute the official King County shoreline jurisdiction. The county
4487 shall update the shoreline master program to reflect the new designation within three
4488 years of the discovery of the discrepancy.

4489 SECTION 4572. Ordinance ~~3688~~10870, Section ~~413536~~, as amended, and
4490 K.C.C. 21A.~~25.17030.080~~ are hereby amended to read as follows:

4491 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one
4492 or more home occupations as accessory activities, only if:

4493 A. The total floor area of the dwelling unit devoted to all home occupations shall
4494 not exceed twenty percent of the floor area of the dwelling unit.

4495 ~~B. Areas within garages and storage buildings~~ ~~A. Shoreline stabilization~~
4496 ~~shall not be considered an outright use and shall be permitted only when the department~~
4497 ~~determines that shoreline protection is necessary for the protection of existing legally~~
4498 ~~established primary structures, new or existing non-water dependent development, new~~
4499 ~~or existing water dependent development or projects restoring ecological functions or~~
4500 ~~remediating hazardous substance discharges. Vegetation, berms, bioengineering~~

4501 ~~techniques and other nonstructural alternatives that preserve the natural character of the~~
4502 ~~shore shall be preferred over riprap, concrete revetments, bulkheads, breakwaters and~~
4503 ~~other structural stabilization. Riprap using rock or other natural materials shall be~~
4504 ~~preferred over concrete revetments, bulkheads, breakwaters and other structural~~
4505 ~~stabilization. Lesser impacting measures should be used before more impacting~~
4506 ~~measures.~~

4507 shall not be considered part of the dwelling unit and may be used for activities associated
4508 with the home occupation;

4509 C. All the activities of the home occupation or occupations shall be conducted
4510 indoors, except for those related to growing or storing of plants used by the home
4511 occupation or occupations;

4512 D. A home occupation or occupations is not limited in the number of employees
4513 that remain off-site. No more than one nonresident employee shall be permitted to work
4514 on-site for the home occupation or occupations;

4515 E. The following uses, by the nature of their operation or investment, tend to
4516 increase beyond the limits ~~== B. Structural shoreline stabilization may be permitted for~~
4517 home occupations. Therefore, the following shall not be permitted as home occupations:

4518 1. Automobile, truck and heavy equipment repair;

4519 2. Auto body work or painting;

4520 3. Parking and storage of heavy equipment;

4521 4. Storage of building materials for use on other properties;

4522 5. Hotels, motels or organizational lodging;

4523 6. Dry cleaning;

- 4524 7. Towing services;
- 4525 8. Trucking, storage or self service, except for parking or storage of one
4526 commercial vehicle used in home occupation;
- 4527 9. Veterinary clinic; and
- 4528 10. Recreational marijuana processor, recreational marijuana producer or
4529 recreational marijuana retailer(; ~~and~~
- 4530 11. Winery, brewery, distillery facility I, II and III, and remote tasting room;
4531 except that home occupation adult beverage businesses operating under an active
4532 Washington state Liquor and Cannabis Board production license issued for their current
4533 location before December 31, 2019, and where King County did not object to the location
4534 during the Washington state Liquor and Cannabis Board license application process, shall
4535 be considered legally nonconforming and allowed to remain in their current location
4536 ~~subject to the standards in K.C.C. 21A.32.020 through 21A.32.075 if the use is in~~
4537 compliance with this section as of December 31, 2019. Such nonconforming businesses
4538 shall remain subject to all other requirements of this section and other applicable state
4539 and local regulations. The resident operator of a nonconforming winery, brewery or
4540 distillery home occupation shall obtain an adult beverage business license in accordance
4541 with K.C.C. chapter ~~and 6.74~~);

4542 F. In addition to required parking for the dwelling unit, on-site parking is provided
4543 as follows:

- 4544 1. One stall for each nonresident employed by the home occupations; and
- 4545 2. One stall for patrons when services are rendered on-site;
- 4546 G. Sales are limited to:

4547 1. Mail order sales;
4548 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
4549 and
4550 3. Items accessory to a service provided to patrons who receive services on the
4551 premises;
4552 H. On-site services to patrons are arranged by appointment;
4553 I. The home occupation or occupations use or store a vehicle for pickup of
4554 materials used by the home occupation or occupations or the distribution of products from
4555 the site, only if:
4556 1. No more than one such a vehicle is allowed; and
4557 2. The vehicle is not stored within any required setback areas of the lot or on
4558 adjacent streets; and
4559 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one
4560 ton;
4561 J. The home occupation or occupations do not:
4562 1. Use electrical or mechanical equipment that results in a change to the
4563 occupancy type of the structure or structures used for the home occupation or occupations;
4564 or
4565 2. Cause visual or audible interference in radio or television receivers, or
4566 electronic equipment located off-premises or fluctuations in line voltage off-premises;
4567 K. There shall be no exterior evidence of a home occupation, other than growing or
4568 storing of plants under subsection C. of this section or a permitted sign, that would cause
4569 the premises to differ from its residential character. Exterior evidence includes, but is not

4570 limited to, lighting, the generation or emission of noise, fumes or vibrations as determined
4571 by using normal senses from any lot line or on average increase vehicular traffic by more
4572 than four additional vehicles at any given time;

4573 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
4574 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

4575 M. Uses not allowed as home occupations may be allowed as a home industry
4576 under K.C.C. 21A.30.090.

4577 SECTION 73. Ordinance 15606, Section 20, as amended, and K.C.C.
4578 21A.30.085 are hereby amended to read as follows:

4579 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
4580 home occupations as accessory activities, under the following provisions:

4581 A. The total floor area of the dwelling unit devoted to all home occupations shall
4582 not exceed twenty percent of the dwelling unit.

4583 B. Areas within garages and storage buildings shall not be considered part of the
4584 dwelling unit and may be used for activities associated with the home occupation;

4585 C. Total outdoor area of all home occupations shall be permitted as follows:

4586 1. For any lot less than one acre: Four hundred forty square feet; and

4587 2. For lots one acre or greater: One percent of the area of the lot, up to a
4588 maximum of five thousand square feet.

4589 D. Outdoor storage areas and parking areas related to home occupations shall be:

4590 1. No less than twenty-five feet from any property line; and

4591 2. Screened along the portions of such areas that can be seen from an adjacent
4592 parcel or roadway by the:

4593 a. planting of Type II landscape buffering; or
4594 b. use of existing vegetation that meets or can be augmented with additional
4595 plantings to meet the intent of Type II landscaping;
4596 E. — 1. The applicant provides a geotechnical analysis that demonstrates that
4597 erosion from waves or currents is imminently threatening or that, unless the structural
4598 shoreline stabilization is constructed, damage is expected to occur within three years;
4599 — 2. The erosion is not caused by upland conditions;
4600 — 3. The proposed structural shoreline protection will provide greater protection
4601 than feasible, nonstructural alternatives such as slope drainage systems, vegetative
4602 growth stabilization, gravel berms and beach nourishment;
4603 A home occupation or occupations is not limited in the number of employees that remain
4604 off-site. Regardless of the number of home occupations, the number of nonresident
4605 employees is limited to no more than three who work on-site at the same time and no more
4606 than three who report to the site but primarily provide services off-site;
4607 F. In addition to required parking for the dwelling unit, on-site parking is provided
4608 as follows:
4609 1. One stall for each nonresident employed on-site; and
4610 2. One stall for patrons when services are rendered on-site;
4611 G. Sales are limited to:
4612 1. Mail order sales;
4613 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
4614 3. Items accessory to a service provided to patrons who receive services on the
4615 premises;

4616 4. Items grown, produced or fabricated on-site; and
4617 5. On sites five acres or larger, items that support agriculture, equestrian or
4618 forestry uses except for the following:
4619 a. motor vehicles and parts (North American Industrial Classification System
4620 ("NAICS" Code 441);
4621 b. electronics and appliances (NAICS Code 443); and
4622 c. building material and garden equipments and supplies (NAICS Code 444);
4623 H. The home occupation or occupations do not:
4624 1. Use electrical or mechanical equipment that results in a change to the
4625 occupancy type of the structure or structures used for the home occupation or occupations;
4626 2. Cause visual or audible interference in radio or television receivers, or
4627 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
4628 3. Increase average vehicular traffic by more than four additional vehicles at any
4629 given time;
4630 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
4631 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;
4632 J. The following uses, by the nature of their operation or investment, tend to
4633 increase beyond the limits permitted for home occupations. Therefore, the following shall
4634 not be permitted as home occupations:
4635 1. Hotels, motels or organizational lodging;
4636 2. Dry cleaning;
4637 3. Automotive towing services, automotive wrecking services and tow-in parking
4638 lots; and

4639 4. Recreational marijuana processor, recreational marijuana producer or
4640 recreational marijuana retailer(; and
4641 5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms;
4642 except that home occupation adult beverage businesses operating under an active
4643 Washington state Liquor and Cannabis Board production license issued for their current
4644 location before December 31, 2019, and where King County did not object to the location
4645 during the Washington state Liquor and Cannabis Board license application process, shall
4646 be considered legally nonconforming and allowed to remain in their current location
4647 subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this
4648 section as of December 31, 2019. Such nonconforming businesses shall remain subject
4649 to all other requirements of this section and all applicable state and local regulations. The
4650 resident operator of a nonconforming home occupation winery, brewery or distillery shall
4651 obtain an adult beverage business license in accordance with K.C.C. chapter 6.74));

4652 K. Uses not allowed as home occupation may be allowed as a home industry under
4653 K.C.C. chapter 21A.30; and

4654 L. The home occupation or occupations may use or store vehicles, as follows:

4655 1. The total number of vehicles for all home occupations shall be:

4656 a. for any lot five acres or less: two;

4657 b. for lots greater than five acres: three; and

4658 c. for lots greater than ten acres: four;

4659 2. The vehicles are not stored within any required setback areas of the lot or on
4660 adjacent streets; and

4661 3. The parking area for the vehicles shall not be considered part of the outdoor

4662 storage area provided for in subsection C. of this section.

4663 SECTION 74. Ordinance 10870, Section 537, as amended, and K.C.C.

4664 21A.30.090 are hereby amended to read as follows:

4665 A resident may establish a home industry as an accessory activity, as follows:

4666 A. The site area is one acre or greater;

4667 B. The area of the dwelling unit used for the home industry does not exceed fifty
4668 percent of the floor area of the dwelling unit.

4669 C. Areas within attached garages and storage buildings shall not be considered part
4670 of the dwelling unit for purposes of calculating allowable home industry area but may be
4671 used for storage of goods associated with the home industry;

4672 D. No more than six nonresidents who work on-site at the time;

4673 E. In addition to required parking for the dwelling unit, on-site parking is provided
4674 as follows:

4675 1. One stall for each nonresident employee of the home industry; and

4676 2. One stall for customer parking;

4677 F. Additional customer parking shall be calculated for areas devoted to the home
4678 industry at the rate of one stall per:

4679 1. One thousand square feet of building floor area; and

4680 2. Two thousand square feet of outdoor work or storage area;

4681 G. Sales are limited to items produced on-site, except for items collected, traded
4682 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

4683 H. Ten feet of Type I landscaping are provided around portions of parking and
4684 outside storage areas that are otherwise visible from adjacent properties or public rights-of-
4685 way;

4686 I. The department ensures compatibility of the home industry by:

4687 1. Limiting the type and size of equipment used by the home industry to those that
4688 are compatible with the surrounding neighborhood;

4689 2. Providing for setbacks or screening as needed to protect adjacent residential
4690 properties;

4691 3. Specifying hours of operation;

4692 4. Determining acceptable levels of outdoor lighting; and

4693 5. Requiring sound level tests for activities determined to produce sound levels
4694 that may be in excess of those in K.C.C. chapter 12.88; and

4695 J. Recreational marijuana processors, recreational marijuana producers and
4696 recreational marijuana retailers shall not be allowed as home industry(~~;~~ and

4697 ~~K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall~~
4698 ~~not be allowed as home industry, except that home industry adult beverage businesses~~
4699 ~~that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit~~
4700 ~~application before December 31, 2019, shall be considered legally nonconforming and~~
4701 ~~allowed to remain in their current location subject to K.C.C. 21A.32.020 through~~
4702 ~~21A.32.075. Such nonconforming businesses remain subject to all other requirements of~~
4703 ~~this section and all applicable state and local regulations. The resident operator of a~~
4704 ~~nonconforming winery, brewery or distillery home industry shall obtain an adult~~
4705 ~~beverage business license in accordance with K.C.C. chapter 6.74)).~~

4706 SECTION 75. Ordinance 10870, Section 539, as amended, and K.C.C.
4707 21A.32.020 are hereby amended to read as follows:

4708 A. (~~With the exception of~~) This chapter shall apply to all nonconformances,
4709 except:

4710 1. (~~Nonconforming~~) (~~extractive~~) operations (~~identified in~~) regulated by
4711 K.C.C. chapter 21A.22(~~, all nonconformances shall be subject to the provisions of this~~
4712 chapter)); and

4713 2. Fossil fuel facilities regulated by K.C.C. 21A.08.100.

4714 B. This chapter does not supersede or relieve a property owner from compliance
4715 with(~~:~~

4716 1. ~~The International Building and Fire Codes; or~~
4717 2. ~~The provisions of this code beyond the specific nonconformance addressed by~~
4718 ~~this chapter~~) local, state and federal regulations and laws that apply to the property and
4719 structures and uses thereon.

4720 SECTION 76. Ordinance 10870, Section 547, as amended, and K.C.C.
4721 21A.32.100 are hereby amended to read as follows:

4722 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
4723 required for any of the following:

4724 A. A use not otherwise permitted in the zone that can be made compatible for a
4725 period of up to sixty days a year; or

4726 B. The expansion of an established use that:

4727 1. Is otherwise allowed in the zone;
4728 2. Is not inconsistent with the original land use approval;

- 4729 3. Exceeds the scope of the original land use approval; and
- 4730 4. Can be made compatible with the zone for a period of up to sixty days a
- 4731 year(;
- 4732 C. ~~Events at a winery, brewery, distillery facility or remote tasting room that~~
- 4733 include one or more of the following activities:
- 4734 1. Exceeds the permitted building occupancy;
- 4735 2. Utilizes portable toilets;
- 4736 3. Utilizes parking that exceeds the maximum number of spaces allowed by this
- 4737 title on site or utilizes off site parking;
- 4738 4. Utilizes temporary stages;
- 4739 5. Utilizes temporary tents or canopies that require a permit;
- 4740 6. Requires traffic control for public rights of way; or
- 4741 7. Extends beyond allowed hours of operation)).

4742 SECTION 77. Ordinance 10870, Section 548, as amended, and K.C.C.

4743 21A.32.110 are hereby amended to read as follows:

4744 A. The following uses shall be exempt from requirements for a temporary use

4745 permit when located in the RB, CB, NB, O or I zones for the time period specified below:

- 4746 1. Uses not to exceed a total of thirty days each calendar year:
- 4747 a. Christmas tree lots;
- 4748 b. Fireworks stands; and
- 4749 c. Produce stands.
- 4750 2. Uses not to exceed a total of fourteen days each calendar year:
- 4751 a. Amusement rides, carnivals or circuses;

4752 b. Community festivals; and
4753 c. Parking lot sales.
4754 B. Any use not exceeding a cumulative total of two days each calendar year shall
4755 be exempt from requirements for a temporary use permit.
4756 C. Any community event held in a park and not exceeding a period of seven days
4757 shall be exempt from requirements for a temporary use permit.
4758 D. Christmas tree sales not exceeding a total of 30 days each calendar year when
4759 located on Rural Area (RA) zoned property with legally established non-residential uses
4760 shall be exempt from requirements for a temporary use permit.
4761 ((E.1. Events at a winery, brewery, distillery facility II or III shall not require a
4762 temporary use permit if:
4763 a. The business is operating under an active Washington state Liquor and
4764 Cannabis Board production license issued for their current location before December 31,
4765 2019, and where King County did not object to the location during the Washington state
4766 Liquor and Cannabis Board license application process;
4767 b. The parcel is at least eight acres in size;
4768 c. The structures used for the event maintain a setback of at least one hundred
4769 fifty feet from interior property lines;
4770 d. The parcel is located in the RA zone;
4771 e. The parcel has access directly from and to a principal arterial or state
4772 highway;
4773 f. The event does not use amplified sound outdoors before 12:00 p.m. or after
4774 8:00 p.m.

4775 ~~2. Events that meet the provisions in this subsection E. shall not be subject to~~
4776 ~~the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than~~
4777 ~~an annual average of eight days per month.))~~

4778 ~~SECTION 78. Ordinance 10870, Section 549, as amended, and K.C.C.~~
4779 ~~21A.32.120 are hereby amended to read as follows:~~

4780 ~~Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,~~
4781 ~~temporary use permits shall be limited in duration and frequency as follows:~~

4782 ~~A. The temporary use permit shall be effective for one year from the date of~~
4783 ~~issuance and may be renewed annually as provided in subsection D. of this section;~~

4784 ~~B.((1.)) The temporary use shall not exceed a total of sixty days in any three-~~
4785 ~~hundred-sixty-five-day period. This subsection B.((1.)) applies only to the days that the~~
4786 ~~event or events actually take place. For a winery in the A or RA zones, the temporary use~~
4787 ~~shall not exceed a total of two events per month and all parking for the events must be~~
4788 ~~accommodated on site((:~~

4789 ~~2. For a winery, brewery, distillery facility II and III in the A zone, the~~
4790 ~~temporary use shall not exceed a total of two events per month and all event parking must~~
4791 ~~be accommodated on-site or managed through a parking management plan approved by~~
4792 ~~the director. This subsection B.2. applies only to the days that the event or events~~
4793 ~~actually take place.~~

4794 ~~3. For a winery, brewery, distillery facility II and III in the RA zone, the~~
4795 ~~temporary use shall not exceed a total of twenty four days in any three hundred sixty-~~
4796 ~~five day period and all event parking must be accommodated on-site or managed through~~
4797 ~~a parking management plan approved by the director. This subsection B.3. applies only~~

4798 to the days that the event or events actually take place.

4799 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
4800 to all other relevant facts, the department shall consider building occupancy and parking
4801 limitations during permit review, and shall condition the number of guests allowed for a
4802 temporary use based on those limitations. The department shall not authorize attendance
4803 of more than one hundred fifty guests.

4804 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
4805 to all other relevant facts, the department shall consider building occupancy and parking
4806 limitations during permit review, and shall condition the number of guests allowed for a
4807 temporary use based on those limitations. The department shall not authorize attendance
4808 of more than two hundred fifty guests.

4809 6. Events for any winery, brewery, distillery facility I in the RA zone, any
4810 nonconforming winery, brewery, distillery facility home occupation, or any
4811 nonconforming winery, brewery, distillery facility home industry shall be limited to two
4812 per year, and limited to a maximum of fifty guests. If the event complies with this
4813 subsection B.6., a temporary use permit is not required for a special event for a winery,
4814 brewery, distillery facility I in the RA zone, a nonconforming home occupation winery,
4815 brewery, distillery facility or a nonconforming home industry winery, brewery, distillery
4816 facility.

4817 7. For a winery, brewery, distillery facility II and III in the RA zone, events
4818 exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use
4819 permit shall not be subject to the provisions of this section));

4820 C. The temporary use permit shall specify a date upon which the use shall be
4821 terminated and removed; and

4822 D. A temporary use permit may be renewed annually for up to a total of five
4823 consecutive years as follows:

4824 1. The applicant shall make a written request and pay the applicable permit
4825 extension fees for renewal of the temporary use permit at least seventy days before the
4826 end of the permit period;

4827 2. The department must determine that the temporary use is being conducted in
4828 compliance with the conditions of the temporary use permit;

4829 3. The department must determine that site conditions have not changed since
4830 the original temporary permit was issued; and

4831 4. At least forty-five days before the end of the permit period, the department
4832 shall notify property owners within five hundred feet of the property boundaries that a
4833 temporary use permit extension has been requested and contact information to request
4834 additional information or to provide comments on the proposed extension.

4835 SECTION 79—~~4.~~ The proposal is the minimum necessary to protect existing
4836 legally established primary structures, new or existing non-water dependent
4837 development, new or existing water dependent development or projects restoring
4838 ecological functions or remediating hazardous substance discharges; and

4839 ~~5.~~ Adequate mitigation measures will be provided to maintain existing shoreline
4840 processes and critical fish and wildlife habitat and ensure no net loss or function of
4841 intertidal or riparian habitat.

4842 C. Shoreline stabilization to replace existing shoreline stabilization shall be

4843 ~~placed landward of the existing shoreline stabilization, but may be placed waterward~~
4844 ~~directly abutting the old structure only in cases where removal of the old structure would~~
4845 ~~result in greater impact on ecological functions. In critical saltwater habitats, existing~~
4846 ~~shoreline stabilization shall not be allowed to remain in place if the existing shoreline~~
4847 ~~stabilization is resulting in the loss of ecological functions. Adequate mitigation~~
4848 ~~measures that maintain existing shoreline processes and critical fish and wildlife habitat~~
4849 ~~must be provided that ensures no net loss or function of intertidal or riparian habitat.~~

4850 ~~===== D. The maximum height of the proposed shoreline stabilization shall be no more~~
4851 ~~than one foot above the elevation of extreme high water on tidal waters, as determined by~~
4852 ~~the National Ocean Survey published by the National Oceanic and Atmospheric~~
4853 ~~Administration, or four feet in height on lakes.~~

4854 ~~===== E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater~~
4855 ~~habitat, unless a geotechnical report demonstrates an imminent danger to a legally~~
4856 ~~established structure or public improvement. If allowed, shoreline stabilization along~~
4857 ~~feeder bluffs and critical saltwater habitat must be designed to have the least impact on~~
4858 ~~these resources and on sediment conveyance systems.~~

4859 ~~----- F. Shoreline stabilization shall minimize the adverse impact on the property of~~
4860 ~~others to the maximum extent practical.~~

4861 ~~===== G. Shoreline stabilization shall not be used to create new lands.~~

4862 ~~===== H. Shoreline stabilization shall not interfere with surface or subsurface drainage~~
4863 ~~into the water body.~~

4864 ~~----- I. Automobile bodies or other junk or waste material that may release undesirable~~
4865 ~~material shall not be used for shoreline stabilization.~~

4866 ~~J. Shoreline stabilization shall be designed so as not to constitute a hazard to~~
4867 ~~navigation and to not substantially interfere with visual access to the water.~~

4868 ~~K. Shoreline stabilization shall be designed so as not to create a need for~~
4869 ~~shoreline stabilization elsewhere.~~

4870 ~~L. Shoreline stabilization shall comply with the Integrated Stream Protection~~
4871 ~~Guidelines (Washington state departments of Fish and Wildlife, Ecology and~~
4872 ~~Transportation, 2003) and shall be designed to allow for appropriate public access to the~~
4873 ~~shoreline.~~

4874 ~~M. The department shall provide a notice to an applicant for new development or~~
4875 ~~redevelopment located within the shoreline jurisdiction on Vashon and Maury Island or~~
4876 ~~the sea level rise risk area that the development may be impacted by sea level rise and~~
4877 ~~recommend that the applicant voluntarily consider setting the development back further~~
4878 ~~than required by this title to allow for future sea level rise.~~

4879 ~~SECTION 46.~~ Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010
4880 are hereby amended to read as follows:

4881 A. The purpose of the transfer of development rights program is to transfer
4882 residential density from eligible sending sites to eligible receiving sites through a
4883 voluntary process that permanently preserves urban, rural((;)) and resource lands, urban
4884 lands located in equity areas, ((and urban separator)) lands that provide a public benefit.
4885 The TDR provisions are intended to supplement land use regulations, resource protection
4886 efforts and open space acquisition programs and to encourage increased residential
4887 development density or increased commercial square footage, especially inside cities,
4888 where it can best be accommodated with the least impacts on the natural environment and

4889 public services by:

4890 1. Providing an effective and predictable incentive process for property owners
4891 of rural, resource and urban separator land to preserve lands with a public benefit as
4892 described in K.C.C. 21A.37.020; and

4893 2. Providing an efficient and streamlined administrative review system to ensure
4894 that transfers of development rights to receiving sites are evaluated in a timely way and
4895 balanced with other county goals and policies, and are adjusted to the specific conditions
4896 of each receiving site.

4897 B. The TDR provisions in this chapter shall only apply to TDR receiving site
4898 development proposals submitted on or after September 17, 2001, and applications for
4899 approval of TDR sending sites submitted on or after September 17, 2001.

4900 SECTION 4780. Ordinance 13274, Section 4, as amended, and K.C.C.
4901 21A.37.020 are hereby amended to read as follows:

4902 A. For the purpose of this chapter, sending site means the entire tax lot or lots
4903 qualified under ~~((subsection B. of))~~ this ~~section~~subsection. Sending sites ~~((may only be~~
4904 ~~located within rural or resource lands, or urban separator areas, or areas with urban~~
4905 ~~residential medium land use designations~~R-1 zoning, as designated by the King County
4906 Comprehensive Plan ~~and that meet the criteria in subsection B. of this section~~, and shall
4907 ~~meet~~) shall:

4908 1. Contain a public benefit such that preservation of that benefit by transferring
4909 residential development rights to another site is in the public interest;

4910 2. Meet at least one of the following criteria:

4911 a. designation in the King County Comprehensive Plan or a functional plan as

4912 an agricultural production district or zoned A;
4913 b. designation in the King County Comprehensive Plan or a functional plan as
4914 forest production district or zoned F;
4915 c. designation in the King County Comprehensive Plan as Rural Area, zoned
4916 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, of
4917 farm and agricultural land or of timber land;
4918 d. designation in the King County Comprehensive Plan or a functional plan as
4919 a proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural
4920 Resource Land open space site, through either:
4921 (1) designation of a specific site; or
4922 (2) identification of proposed Rural Area or Natural Resource Land regional
4923 trail or Rural Area or Natural Resource Land open space sites which meet adopted
4924 standards and criteria, and for Rural Area or Natural Resource Land open space sites,
4925 meet the definition of open space land, as defined in RCW 84.34.020;
4926 e. identification as habitat for federally listed endangered or threatened species
4927 in a written determination by the King County department of natural resources and parks,
4928 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
4929 Services or a federally recognized tribe that the sending site is appropriate for
4930 preservation or acquisition;
4931 f. designation in the King County Comprehensive Plan as urban separator and
4932 zoned R-1; or
4933 g.(1) designation in the King County Comprehensive Plan as urban residential
4934 medium or urban residential high;

4935 (2) zoned R-4, R-6, R-8, R-12, R-18, R-24 or R-48; and
4936 (3) approved for conservation futures tax funding by the King County
4937 council;
4938 3. Consist of one or more contiguous lots that have a combined area that meets
4939 or exceeds the minimum lot area for construction requirements in K.C.C. 21A.12.100 for
4940 the zone in which the sending site is located. ~~Except~~For purposes of this subsection, lots
4941 divided by a street are considered contiguous if the lots would share a common lot line if
4942 the street was removed. This provision may be waived by the interagency committee if
4943 the total acreage of a rural or resource sending site application exceeds one hundred
4944 acres; and
4945 4. Not be in public ownership, ((E))except:
4946 a. as provided in K.C.C. 21A.37.110.C~~7~~,((~~5~~ or));
4947 b. for lands zoned RA that are managed by the Washington state Department
4948 of Natural Resources as state grant or state forest lands ~~or lands that are managed by King~~
4949 County for purposes of residential or commercial development,((land in public
4950 ownership may not be sending sites. If the sending site consists of more than one tax lot,
4951 the lots must be contiguous and the area of the combined lots must meet the minimum lot
4952 area for construction requirements in K.C.C. 21A.12.100 for the zone in which the
4953 sending site is located. For purposes of this section, lots divided by a street are
4954 considered contiguous if the lots would share a common lot line if the street was
4955 removed; this provision may be waived by the interagency committee if the total acreage
4956 of a rural or resource sending site application exceeds one hundred acres. A sending site
4957 shall be maintained in a condition that is consistent with the criteria in this section under

4958 which the sending was qualified.

4959 B. Qualification of a sending site shall demonstrate that the site contains a public
4960 benefit such that preservation of that benefit by transferring residential development
4961 rights to another site is in the public interest. A sending site must meet at least one of the
4962 following criteria:

4963 1. Designation in the King County Comprehensive Plan or a functional plan as
4964 an agricultural production district or zoned A;

4965 2. Designation in the King County Comprehensive Plan or a functional plan as
4966 forest production district or zoned F;

4967 3. Designation in the King ~~((Count))~~ County Comprehensive Plan as ~~((rural~~
4968 ~~residential))~~ Rural Area, zoned RA-2.5, RA-5 or RA-10, and meeting the definition in
4969 RCW 84.34.020 of open space, farm and agricultural land, or timber land;

4970 4. Designation in the King County Comprehensive Plan, or a functional plan as
4971 a proposed ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource ~~((resource area))~~ Land regional
4972 trail or ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource ~~((resource area))~~ Land open space
4973 site, through either:

4974 a. designation of a specific site; or

4975 b. identification of proposed ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource
4976 ~~((resource area))~~ Land regional trail or ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource
4977 ~~((resource area))~~ Land open space sites which meet adopted standards and criteria, and
4978 for ~~((r))~~ Rural Area ~~rural~~ or Natural ~~((r))~~ Resource ~~((resource area))~~ Land open space sites,
4979 meet the definition of open space land, as defined in RCW 84.34.020;

4980 5. Identification as habitat for federal listed endangered or threatened species in

4981 a written determination by the King County department of natural resources and parks,
4982 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
4983 Services or a federally recognized tribe that the sending site is appropriate for
4984 preservation or acquisition; ~~((or))~~

4985 ~~6. Designation in the King County Comprehensive Plan as urban separator and~~
4986 ~~zoned R-1;); or~~

4987 ~~7. Designation in the King County Comprehensive Plan as urban residential~~
4988 ~~medium and located in an equity area identified by the county per King County Code~~
4989 ~~Chapter 26.12 that is approved for Conservation Futures Tax funding and zoned R-4, R-~~
4990 ~~6, R-8, or R-12.~~

4991 ~~_____ c. for lands that are managed by King County for purposes of~~
4992 ~~residential or commercial development.~~

4993 ~~_____ ((C:)) B.~~ For the purposes of the TDR program, acquisition means obtaining fee
4994 simple rights in real property, ~~((:))~~ or a ~~((less than a fee simple))~~ property right in a form
4995 that preserves in perpetuity the public benefit supporting the designation or qualification
4996 of the property as a sending site. A sending site shall be maintained in a condition that is
4997 consistent with the criteria in this section under which the sending was qualified.

4998 ~~_____ ((D:)) C.~~ If a sending site has any outstanding code violations, the person
4999 responsible for code compliance should resolve these violations, including any required
5000 abatement, restoration, or payment of civil penalties, before a TDR sending site may be
5001 qualified by the interagency review committee created under K.C.C. 21A.37.070.

5002 However, the interagency may qualify and certify a TDR sending site with outstanding
5003 code violations if the person responsible for code compliance has made a good faith

5004 effort to resolve the violations and the proposal is in the public interest.

5005 ~~((E-))~~ D. For lots on which the entire lot or a portion of the lot has been cleared or
5006 graded in accordance with a Class II, III or IV special forest practice as defined in chapter
5007 76.09 RCW within the six years ~~((prior to))~~ before application as a TDR sending site, the
5008 applicant must provide an affidavit of compliance with the reforestation requirements of
5009 the Forest Practices Act, and any additional reforestation conditions of their forest
5010 practice permit. Lots on which the entire lot or a portion of the lot has been cleared or
5011 graded without any required forest practices or county authorization, shall be not
5012 qualified or certified as a TDR sending site for six years unless the six-year moratorium
5013 on development applications has been lifted or waived or the landowner has a
5014 reforestation plan approved by the Washington state Department of Natural Resources
5015 and King County.

5016 SECTION 4881. Ordinance 13274, Section 6, as amended, and K.C.C.
5017 21A.37.040 are hereby amended to read as follows:

5018 A. The number of residential development rights that an unincorporated sending
5019 site is eligible to send to a receiving site shall be determined by applying the TDR
5020 sending site base density established in subsection D. of this section to the area of the
5021 sending site, after deducting the area associated with any existing development, any
5022 retained development rights and any portion of the sending site already in a conservation
5023 easement or other similar encumbrance. For each existing dwelling unit or retained
5024 development right, the sending site area shall be reduced by an area equivalent to the base
5025 density for that zone under K.C.C. 21A.12.030.

5026 B. Any fractions of development rights that result from the calculations in

5027 subsection A. of this section shall not be included in the final determination of total
5028 development rights available for transfer.

5029 C. For purposes of calculating the amount of development rights a sending site
5030 can transfer, the amount of land contained within a sending site shall be determined as
5031 follows:

5032 1. If the sending site is an entire tax lot, the square footage or acreage shall be
5033 determined:

5034 a. by the King County department of assessments records; or

5035 b. by a survey funded by the applicant that has been prepared and stamped by a
5036 surveyor licensed in the state of Washington; and

5037 2. If the sending site consists of a lot that is divided by a zoning boundary, the
5038 square footage or acreage shall be calculated separately for each zoning classification.

5039 The square footage or acreage within each zoning classification shall be determined by
5040 the King County record of the action that established the zoning and property lines, such
5041 as an approved lot line adjustment. When such records are not available or are not
5042 adequate to determine the square footage or acreage within each zoning classification, the
5043 department of local services, permitting division, shall calculate the square footage or
5044 acreage through the geographic information system (GIS) mapping system.

5045 D. For the purposes of the transfer of development rights (TDR) program only,
5046 the following TDR sending site base densities apply:

5047 1. Sending sites designated in the King County Comprehensive Plan as urban
5048 separator and zoned R-1 shall have a base density of four dwelling units per acre;

5049 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two

5050 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25
5051 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25
5052 acres;

5053 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
5054 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and
5055 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated
5056 ~~((one))~~ one additional TDR for each vacant lot that is smaller than two and one-half acres
5057 or five acres, respectively;

5058 4. Sending sites zoned RA and that have a designation under the King County
5059 Shoreline Master Program of conservancy or natural shall be allocated one additional
5060 TDR;

5061 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling
5062 unit per five acres for transfer purposes only;

5063 6. Sending sites zoned F within the forest production district shall have a base
5064 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is
5065 between fifteen and eighty acres in size; or

5066 7. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.
5067 21A.37.020.B.7A.2.g. shall be allocated TDRs that are equivalent to the zoning base
5068 density established in K.C.C. 21A.12.030 for every one acre of gross land area.

5069 E. A sending site zoned RA, A or F may send one development right for every
5070 legal lot larger than five thousand square feet that was created on or before September 17,
5071 2001, if that number is greater than the number of development rights determined under
5072 subsection A. of this section. A sending site zoned R-1 may send one development right

|
5073 for every legal lot larger than two thousand five hundred square feet that was created on
5074 or before September 17, 2001, if that number is greater than the number of development
5075 rights determined under subsection A. of this section.

5076 F. The number of development rights that a King County unincorporated rural or
5077 natural resources land sending site is eligible to send to a King County incorporated
5078 urban area receiving site shall be determined through the application of a conversion ratio
5079 established by King County and the incorporated municipal jurisdiction. The conversion
5080 ratio will be applied to the number of available sending site development rights
5081 determined under subsection A. or E. of this section.

5082 G. Development rights from one sending site may be allocated to more than one
5083 receiving site and one receiving site may accept development rights from more than one
5084 sending site.

5085 H. The determination of the number of residential development rights a sending
5086 site has available for transfer to a receiving site shall be valid for transfer purposes only,
5087 shall be documented in a TDR qualification report prepared by the department of natural
5088 resources and parks and sent to the applicant. The qualification report and shall be
5089 considered a final determination, not to be revised due to changes to the sending site's
5090 zoning, and shall be valid unless conditions on the sending site property that would affect
5091 the number of development rights the sending site has available for transfer have
5092 changed.

5093 I. Each residential transferable development right that originates from a sending
5094 site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional
5095 units above base density in eligible receiving sites located in unincorporated urban King

5096 County. Each residential transferable development right that originates from a sending
5097 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one
5098 additional unit above base density. Each residential transferable development right that
5099 originates from a sending site in urban unincorporated area lands meeting the criteria in
5100 K.C.C. 21A.37.020.B-7A.2.g. shall be designated "Urban" and is equivalent to one
5101 additional unit above the base density.

5102 SECTION 4982. Ordinance 13274, Section 7, as amended, and K.C.C.
5103 21A.37.070 are hereby amended to read as follows:

5104 A. An interagency review committee, chaired by the department of local services
5105 permitting division manager and the director of the department of natural resources and
5106 parks, or designees, shall be responsible for qualification of sending sites.

5107 Determinations on sending site certifications made by the committee are appealable to the
5108 examiner under K.C.C. 20.22.040. The department of natural resources and parks shall
5109 be responsible for preparing a TDR qualification report, which shall be signed by the
5110 director of the department of natural resources and parks or designee, documenting the
5111 review and decision of the committee. The qualification report shall:

5112 1. Specify all deficiencies of an application, if the decision of the committee is
5113 to disqualify the application;

5114 2. For all qualifying applications, provide a determination as to whether or not
5115 additional residential dwelling units and associated accessory units may be
5116 accommodated in accordance with K.C.C. 21A.37.050.A.; and

5117 3. Be issued a TDR certification letter within sixty days of the date of submittal
5118 of a completed sending site certification application.

5119 B. Responsibility for preparing a completed application rests exclusively with the
5120 applicant. Application for sending site certification shall include:

5121 1. A legal description of the site;

5122 2. A title report;

5123 3. A brief description of the site resources and public benefit to be preserved;

5124 4. A site plan showing the existing and proposed dwelling units, nonresidential
5125 structures, driveways, submerged lands and any area already subject to a conservation
5126 easement or other similar encumbrance;

5127 5. Assessors map or maps of the lot or lots;

5128 6. A statement of intent indicating whether the property ownership, after TDR
5129 certification, will be retained in private ownership or dedicated to King County or another
5130 public or private nonprofit agency;

5131 7. Any or all of the following written in conformance with criteria established
5132 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
5133 habitat for a threatened or endangered species:

5134 a. a wildlife habitat conservation plan;

5135 b. a wildlife habitat restoration plan; or

5136 c. a wildlife present conditions report;

5137 8. If the site qualifies as an urban unincorporated area sending site meeting the

5138 criteria in K.C.C. 21A.37.020.B.7:A.2.g.:

5139 ~~_____~~ a. demonstration that the site is located in an equity area as defined in K.C.C.

5140 26.12.003; and

5141 ~~=====~~ b. confirmation of Conservation Futures Tax award;

5142 9. A forest stewardship plan, written in conformance with criteria established
5143 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
5144 21A.37.060.B.3. and 6.;

5145 ~~((9-))~~ 10. An affidavit of compliance with the reforestation requirements of the
5146 Forest Practices Act and any additional reforestation conditions of the forest practices
5147 permit for the site, if required under K.C.C. 21A.37.020.~~((E))~~D.;

5148 ~~((10-))~~ 11. A completed density calculation worksheet for estimating the number
5149 of available development rights; and

5150 ~~((11-))~~ 12. The application fee consistent with K.C.C. ~~((27.36.020))~~ 27.10.170.

5151 SECTION ~~5083~~. Ordinance 13733, Section 8, as amended, and K.C.C.
5152 21A.37.100 are hereby amended to read as follows:

5153 _____The purpose of the TDR bank is to assist in the implementation of the transfer of
5154 development rights (TDR) program by bridging the time gap between willing sellers and
5155 buyers of development rights by purchasing and selling development rights, purchasing
5156 conservation easements, and facilitating interlocal TDR agreements with cities in King
5157 County through the provision of amenity funds. The TDR bank may acquire
5158 development rights and conservation easements only from sending sites located in the
5159 rural area or in an agricultural or forest ~~((production district as designated))~~ land use
5160 designation in the King County Comprehensive Plan, or in the urban unincorporated area
5161 only from sites meeting the criteria in K.C.C. 21A.37.020.B.7A.2.g. Development rights
5162 purchased from the TDR bank may only be used for receiving sites in cities or in the
5163 urban unincorporated area as designated in the King County Comprehensive Plan.

5164 SECTION ~~5184~~. Ordinance 13733, Section 10, as amended, and K.C.C.

5165 21A.37.110 are hereby amended to read as follows:

5166 A. The TDR bank may purchase development rights from qualified sending sites
5167 at prices not to exceed fair market value and to sell development rights at prices not less
5168 than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may
5169 accept donations of development rights from qualified TDR sending sites.

5170 B. The TDR bank may purchase a conservation easement only if the property
5171 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
5172 qualification report, the conservation easement restricts development of the sending site
5173 in the manner required by K.C.C. 21A.37.060 and the development rights generated by
5174 encumbering the sending site with the conservation easement are issued to the TDR bank
5175 at no additional cost.

5176 C. Any development rights, generated by encumbering property with a
5177 conservation easement, may be issued to the TDR bank if:

5178 1.a. The conservation easement is acquired through a county park, open space,
5179 trail, agricultural, forestry or other natural resource acquisition program for a property
5180 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

5181 b. the property is acquired by the county with the intent of conveying the
5182 property encumbered by a reserved conservation easement. The number of development
5183 rights generated by this reserved conservation easement shall be determined by the TDR
5184 qualification report; and

5185 2. Under either subsection C.1.a. or b. of this section, there will be no additional
5186 cost to the county for acquiring the development rights.

5187 D. The TDR bank may use funds to facilitate development rights transfers.
5188 These expenditures may include, but are not limited to, establishing and maintaining
5189 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
5190 and reimbursing the costs incurred by the department of natural resources and parks,
5191 water and land resources division, or its successor, for administering the TDR bank fund
5192 and executing development rights purchases and sales.

5193 E. The TDR bank fund may be used to cover the cost of providing staff support
5194 for identifying and qualifying sending and receiving sites, and the costs of providing staff
5195 support for the TDR interagency review committee.

5196 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
5197 bank development rights shall be available for acquisition of additional development
5198 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King
5199 County and for projects in receiving areas located in urban unincorporated King County.
5200 Amenity funds provided to a city from the sale of TDR bank development rights to that
5201 city are limited to one-third of the proceeds from the sale.

5202 SECTION 85. Ordinance 13733, Section 12, as amended, and K.C.C.
5203 21A.37.130 are hereby amended to read as follows:

5204 A.1. The sale of development rights by the TDR bank shall be at a price that
5205 equals or exceeds the fair market value of the development rights, except as provided in
5206 subsection A.2. of this section. The fair market value of the development rights shall be
5207 established by the department of natural resources and shall be based on the amount the
5208 county paid for the development rights and the prevailing market conditions.

5209 2.a. The department of natural resources and parks shall undertake a "TDR for
5210 Affordable Housing" pilot program, in which transferrable development rights necessary
5211 to construct up to one hundred total units shall be sold at the administrative cost incurred
5212 by the county or fifteen percent of the fair market value of the development rights,
5213 whichever is less.

5214 b. In order to qualify for this program, all units built using the development
5215 rights must be either:

5216 (1) rental housing permanently priced to serve households with a total
5217 household income at or below forty percent of the median income for the county as
5218 defined by the United States Department of Housing and Urban Development, adjusted
5219 for household size. A covenant on the property that specifies the income level being
5220 served, rent levels and requirements for reporting to King County shall be recorded at
5221 final approval; or

5222 (2) housing reserved for income- and asset-qualified home buyers with total
5223 household income at or below forty percent of the median income for the county as
5224 defined by the United States Department of Housing and Urban Development, adjusted
5225 for household size. The units shall be limited to owner-occupied housing with prices
5226 restricted based on typical underwriting ratios and other lending standards, and with no
5227 restriction placed on resale. Final approval conditions shall specify requirements for
5228 reporting to King County on both buyer eligibility and housing prices.

5229 c. In unincorporated King County, in the R-4 through R-48 zones,
5230 development rights to build units through this pilot program shall only be sold for units

5231 between one hundred fifty percent and two hundred percent of the receiving site's base
5232 density as set forth in K.C.C. 21A.12.030.

5233 d.(1) The department of natural resources and parks shall track the sale of
5234 development rights and completion of units constructed through this program. When the
5235 one hundred unit threshold is reached, the department shall, within six months of that
5236 date, transmit a report to the council that includes, but is not limited to:

5237 (a) the location of the receiving sites where development rights under this
5238 pilot program were used;

5239 (b) lessons learned from the pilot program, including feedback from
5240 developers who purchased development rights through the program; and

5241 (c) a recommendation on whether to make the pilot program permanent,
5242 repeal the program, or modify the program.

5243 (2) the report shall be accompanied by a proposed ordinance effectuating the
5244 recommendation in subsection d.1.c of this section.

5245 (3) the report and proposed ordinance shall be filed in the form of a paper
5246 original and an electronic copy with the clerk of the council, who shall retain the original
5247 and provide an electronic copy to all councilmembers, the council chief of staff and the
5248 lead staff to the mobility and environment committee or its successor.

5249 B. When selling development rights, the TDR bank may select prospective
5250 purchasers based on the price offered for the development rights, the number of
5251 development rights offered to be purchased, and the potential for the sale to achieve the
5252 purposes of the TDR program.

5253 C. The TDR bank may sell development rights only in whole or half increments
5254 to incorporated receiving sites through an interlocal agreement or, after the county enacts
5255 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a
5256 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR
5257 bank may sell development rights only in whole increments to unincorporated King
5258 County receiving sites.

5259 D. All offers to purchase development rights from the TDR bank shall be in
5260 writing, shall include a certification that the development rights, if used, shall be used
5261 only inside an identified city or within the urban unincorporated area, include a minimum
5262 ten percent down payment with purchase option, shall include the number of
5263 development rights to be purchased, location of the receiving site, proposed purchase
5264 price and the required date or dates for completion of the sale, not later than three years
5265 after the date of receipt by King County of the purchase offer.

5266 E. Payment for purchase of development rights from the TDR bank shall be in
5267 full at the time the development rights are transferred unless otherwise authorized by the
5268 department of natural resources and parks.

5269 SECTION 86. Ordinance 10870, Section 577, as amended, and K.C.C.

5270 21A.38.040 are hereby amended to read as follows:

5271 Special district overlays shall be ~~((designated))~~ classified on the official ~~((area))~~
5272 zoning map~~((s))~~ and as a notation in the department's electronic parcel record, as follows:

5273 A. A special district overlay shall be ~~((designated))~~ classified through the area
5274 zoning process as provided in K.C.C. chapters 20.12 and 20.18. ~~((Designation))~~

5275 Classification of an overlay district shall include policies that prescribe the purposes and
5276 location of the overlay;

5277 B. A special district overlay shall be applied to land through an area zoning
5278 process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the
5279 zoning map and as a notation in the department's electronic parcel record and shall be
5280 designated in Appendix B of Ordinance 12824 as maintained by the department of local
5281 services, permitting division, with the suffix "-SO" following the map symbol of the
5282 underlying zone or zones;

5283 C. The special district overlays in this chapter are the only overlays authorized by
5284 the code. New or amended overlays to carry out new or different goals or policies shall
5285 be adopted as part of this chapter and be available for use in all appropriate community,
5286 subarea or neighborhood planning areas;

5287 D. The special district overlays in this chapter may waive, modify and substitute
5288 for the range of permitted uses and development standards established by this title for any
5289 use or underlying zone;

5290 E. Unless they are specifically modified by this chapter, the standard
5291 requirements of this title and other county ordinances and regulations govern all
5292 development and land uses within special district overlays;

5293 F. A special district overlay on an individual site may be modified by property-
5294 specific development standards as provided in K.C.C. 21A.38.030;

5295 G. A special district overlay may not be deleted by a zone reclassification; and

5296 H. Special district overlay development standards may be modified or waived
5297 through the consideration of a variance, subject to the variance criteria in K.C.C.
5298 21A.44.030.

5299 SECTION 87. Ordinance 10870, Section 578, as amended, and K.C.C.
5300 21A.38.050 are hereby amended to read as follows:

5301 A. The purpose of the pedestrian-oriented commercial development special
5302 district overlay is to provide for high-density, pedestrian-oriented retail ~~((/))~~ and
5303 employment uses. The ~~((P))~~ pedestrian-oriented commercial districts shall only be
5304 established in areas designated ~~((within a community, subarea, or neighborhood plan as~~
5305 ~~an urban activity center))~~ as a center on the adopted Urban Centers map of the King
5306 County Comprehensive Plan and zoned CB, RB or O.

5307 B. Permitted uses shall be those uses permitted in the underlying zone, excluding
5308 the following:

- 5309 1. Motor vehicle, boat and mobile home dealer;
- 5310 2. Gasoline service station;
- 5311 3. ~~((Drive-through retail and service uses))~~ Uses with drive-through facilities,
5312 except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;
- 5313 4. ~~((Car washes;))~~ SIC Industry Group 598 (Fuel dealers);
- 5314 5. ~~((Retail and service uses))~~ Uses with outside storage, e.g. lumber yards,
5315 miscellaneous equipment rental or machinery sales;
- 5316 6. ~~((Wholesale uses))~~ Bulk retail;
- 5317 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks,
5318 sports clubs, theaters, libraries and museums;

- 5319 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521
5320 (automobile parking; but excluding tow-in parking lots);
- 5321 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,
5322 clock and jewelry repair);
- 5323 10. SIC Major Group 78 (Motion pictures); ~~(((except 7832 (theater) and 7841~~
5324 ~~(video tape rental);)))~~);
- 5325 11. SIC Major Group 80 (Health services), except offices and outpatient clinics
5326 (801-804);
- 5327 12. SIC Industry Group 421 (Trucking and courier service);
- 5328 13. Public agency ~~archives; archive((s));~~
- 5329 14. Self-service storage;
- 5330 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC
5331 Industry Code 2759 (Commercial printing); ~~((and))~~
- 5332 16. Resource land uses as set forth in K.C.C. 21A.08.090;
- 5333 17. SIC Industry Code 7261 (Funeral home/crematory);
- 5334 18. Cemetery, columbarium or mausoleum;
- 5335 19. Interim recycling facility;
- 5336 20. Utility facility, except underground water, gas or wastewater pipelines; and
5337 21. Vector waste receiving facility; and.
- 5338 ~~22. SIC Industry Group 598 (Fuel dealers).~~
- 5339 C. The following development standards shall apply to ((uses)) development
5340 located in pedestrian-oriented commercial overlay districts:
- 5341 1. ~~((Every use shall be subject to pedestrian-oriented use limitations and street~~

5342 facade development standards (e.g. placement and orientation of buildings with respect to
5343 streets and sidewalks, arcades or marquees) identified and adopted through an applicable
5344 community, subarea or, neighborhood plan, or the area zoning process;

5345 2.) For properties that have frontage on ~~((pedestrian street(s) or routes as~~
5346 ~~designated in an applicable plan or area zoning process))~~ a public street, the following
5347 conditions shall apply:

5348 a. main building entrances shall be oriented to the ~~((pedestrian))~~ public street;

5349 b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~

5350 five feet from the sidewalk or sidewalk improvement, but shall not encroach on the

5351 public right-of-way. For buildings existing before ~~of~~ the effective date of this [section of](#)

5352 this ordinance with setbacks greater than five feet and that have substantial improvements

5353 made to them after the effective date [of this section](#) of this ordinance, a minimum five-

5354 foot-wide pedestrian walkway shall be constructed that connects the main building

5355 entrance to the public sidewalk or sidewalk improvement;

5356 c. building facades shall comprise at least ~~((75%))~~ seventy-five percent of the

5357 total ~~((pedestrian))~~ street frontage for a property and if applicable, at least ~~((75%))~~

5358 seventy-five percent of the total pedestrian route frontage for a property;

5359 d. minimum ~~((side))~~ interior setbacks of the underlying zoning are waived;

5360 e. building facades ~~((of ground floor retail, general business service, and~~

5361 ~~professional office land uses))~~ that front onto a ~~((pedestrian))~~ street ~~((or route))~~ shall

5362 ~~((include))~~ incorporate windows into at least thirty percent of the building facade surface

5363 area and overhead protection above all building entrances [and along at least fifty percent](#)

5364 [of length of the building facade, which may extend over the sidewalk if it does not](#)

5365 impede use of the sidewalk by the public;

5366 f. ground floor building facades ~~((along a pedestrian street or route,))₂ that are~~
5367 ~~without ornamentation or are))~~ shall include ornamentation such as decorative
5368 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;
5369 and

5370 g. buildings facades shall not be comprised of uninterrupted glass curtain walls
5371 or mirrored glass ~~((are not permitted;)); ((and))~~

5372 ~~((g.))~~ 2. vehicle access shall be limited to the rear access alley or rear access
5373 street where such an alley or street exists~~((;))~~;

5374 3. Floor/lot area ratio shall not exceed 5:1, including the residential component
5375 of mixed use developments, but not including parking structures;

5376 4. Building setback and height requirements may be waived through the
5377 application of residential density incentives under K.C.C. chapter 21A.34 or the transfer
5378 of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of
5379 the perimeter of any special district overlay area abutting an R-12 or lower density
5380 residential zone;

5381 5. The landscaping requirements of K.C.C. chapter 21A.16 ~~((may be waived if~~
5382 ~~landscaping conforms to a special district overlay landscaping plan adopted as part of the~~
5383 ~~area zoning. The overlay district landscaping plan shall include features addressing street~~
5384 ~~trees, and other design amenities (e.g. landscaped plazas or parks)))~~ shall apply to all new
5385 development and to buildings existing before the effective date of this section of this
5386 ordinance that have substantial improvements made to them after the effective date of
5387 this section of this ordinance; and

5388 6. (~~On designated pedestrian streets, sidewalk width requirements shall be~~
5389 ~~increased to a range of ten to twelve feet wide including sidewalk landscaping and other~~
5390 ~~amenities. The sidewalk widths exceeding the amount required in the King County Road~~
5391 ~~Standards may occur on private property adjoining the public street right of way; and~~

5392 7.) Off-street parking requirements K.C.C. 21A.18.110 (~~are modified as~~
5393 ~~follows for all nonresidential uses:~~

5394 a. ~~No less than one space for every 1000 square feet of floor area shall be~~
5395 ~~provided;~~

5396 b. ~~No more than seventy five percent of parking shall be on-site surface~~
5397 ~~parking. Such parking shall be placed in the interior of the lot, or at the rear of the~~
5398 ~~building it serves; and~~

5399 c. ~~At least twenty five percent of the required parking shall be enclosed in an~~
5400 ~~on-site parking structure or located at an off-site common parking facility, provided that~~
5401 ~~this requirement is waived when the applicant signs a no-protest agreement to participate~~
5402 ~~in any improvement district for the future construction of such facilities)) shall apply,~~
5403 ~~except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director~~
5404 ~~shall only allow use of on-street parallel parking in front of or adjacent to the subject~~
5405 ~~parcel for the parking spaces that cannot be accommodated to the rear or sides of~~
5406 ~~buildings.~~

5407 NEW SECTION. SECTION 88. There is hereby added to K.C.C. chapter 21A.38
5408 a new section to read as follows:

5409 A. 52. There is hereby added to K.C.C. chapter 21A.38 a new section to read as
5410 follows:

5411 ~~_____ A.~~ The purpose of the ~~Skyway West Hill Neighborhood Business~~Martin Luther
5412 King Jr. Way South Mixed-Use Special District Overlay is to facilitate linkages to the
5413 existing Martin Luther King Jr Way South Neighborhood Business Center, incentivize
5414 commercial opportunities close to existing high-density housing, incentivize commercial
5415 development by allowing more uses than traditionally found in mixed-use developments
5416 and provide flexibility in current square footage limitations.

5417 B. The following development standards shall be applied to all development
5418 proposals within the Martin Luther King Jr. Way South Mixed-Use Special District
5419 Overlay:

5420 1. ~~Development~~New buildings shall be limited to mixed-use as defined in
5421 K.C.C. 21A.06.753;

5422 2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as
5423 part of a mixed-use ~~development~~building in subsection B.1. of this section; and

5424 3. Any nonresidential component of the ~~development~~building that is personal
5425 services allowed in the ~~R-48~~-zone under K.C.C. 21A.08.050 or retail use allowed in the
5426 ~~R-48~~-zone under K.C.C. 21A.08.070 shall comply with K.C.C. 21A.12.230, except that
5427 K.C.C. 21A.12.230.A., B. and C. do not apply to the development.

5428 SECTION 89. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260
5429 are hereby amended to read as follows:

5430 A. The purpose of the Fall City business district special district overlay is to allow
5431 commercial development in Fall City to occur with on-site septic systems until such time as
5432 an alternative wastewater system is available. The special district shall only be established

5433 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to
5434 other rural commercial centers.

5435 B. The standards of this title and other county codes shall be applicable to
5436 development within the Fall City business district special district overlay except as follows:

5437 1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced
5438 with the following:

5439 a. Residential land uses as set forth in K.C.C. 21A.08.030:

5440 i. As a permitted use:

5441 (A) Multifamily residential units shall only be allowed on the upper floors of
5442 buildings; and

5443 (B) Home occupations under K.C.C. chapter 21A.30;

5444 ii. As a conditional use:

5445 (A) Bed and Breakfast (five rooms maximum); and

5446 (B) Hotel/Motel.

5447 b. Recreational/cultural land uses as set forth in K.C.C. ~~((21A.08.030))~~
5448 21A.08.040:

5449 i. As a permitted use:

5450 (A) Library;

5451 (B) Museum; ~~((and))~~

5452 (C) Arboretum; and

5453 (D) Park.

5454 ii. As a conditional use:

5455 (A) Sports Club/Fitness Center;

- 5456 (B) Amusement/Recreation Services/Arcades (Indoor);
- 5457 (C) Bowling Center
- 5458 c. General services land uses as set forth in K.C.C. 21A.08.050:
- 5459 i. As a permitted use:
- 5460 (A) General Personal Services, except escort services;
- 5461 (B) Funeral Home;
- 5462 (C) Appliance/Equipment Repair;
- 5463 (D) Medical or Dental Office/Outpatient Clinic;
- 5464 (E) Medical or Dental Lab;
- 5465 (F) Day Care I;
- 5466 (G) Day Care II;
- 5467 (H) Veterinary Clinic;
- 5468 (I) Social Services;
- 5469 (J) Animal Specialty Services;
- 5470 (K) Artist Studios;
- 5471 (L) Nursing and Personal Care Facilities;
- 5472 ii. As a conditional use:
- 5473 (A) Theater (Movie or Live Performance);
- 5474 (B) Religious Use;
- 5475 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
- 5476 i. As a permitted use:
- 5477 (A) General Business Service;
- 5478 (B) Professional Office: Bank, Credit Union, Insurance Office.

- 5479 ii. As a conditional use:
- 5480 (A) Public Agency or Utility Office;
- 5481 (B) Police Substation;
- 5482 (C) Fire Station;
- 5483 (D) Utility Facility;
- 5484 (E) Self Service Storage;
- 5485 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 5486 i. As a permitted use on the ground floor:
- 5487 (A) Food Store;
- 5488 (B) Drug Store/Pharmacy;
- 5489 (C) Retail Store: includes florist, book store, apparel and accessories store,
- 5490 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video
- 5491 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,
- 5492 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-
- 5493 only retail);
- 5494 (D) Eating and Drinking Places, including coffee shops and bakeries(;
- 5495 ~~(E) Remote tasting rooms~~);
- 5496 ii. As a conditional use:
- 5497 (A) Liquor Store or Retail Store Selling Alcohol;
- 5498 (B) Hardware/Building Supply Store;
- 5499 (C) Nursery/Garden Center;
- 5500 (D) Department Store;
- 5501 (E) Auto Dealers (indoor sales rooms only);

5502 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.
5503 g. Resource land uses as set forth in K.C.C. 21A.08.090:
5504 i. As a permitted use:
5505 (A) Solar photovoltaic/solar thermal energy systems;
5506 (B) Private storm water management facilities;
5507 (C) Growing and Harvesting Crops (within rear/internal side yards or roof
5508 gardens, and with organic methods only);
5509 (D) Raising Livestock and Small Animals (per the requirements of Section
5510 21A.30 of the Zoning Code)
5511 ii. As a conditional use: Wind Turbines
5512 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:
5513 Communication Facility.
5514 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except
5515 as follows:
5516 a. Residential density is limited to six dwelling units per acre. For any building
5517 with more than ten dwelling units, at least ten percent of the dwelling units shall be
5518 classified as affordable under 21A.34.040F.1;
5519 b. Buildings are limited to two floors, plus an optional basement;
5520 c. The elevation of the ground floor may be elevated a maximum of six feet
5521 above the average grade of the site along the front facade of the building;
5522 d. If the ground floor is designed to accommodate non-residential uses, the
5523 elevation of the ground floor should be placed near the elevation of the sidewalk to
5524 minimize the need for stairs and ADA ramps;

5525 e. If the ground floor is designed to accommodate non-residential space, the
5526 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

5527 f. Building height shall not exceed forty feet, as measured from the average
5528 grade of the site along the front facade of the building.

5529 NEW SECTION. SECTION 53. ~~There is hereby added to K.C.C. chapter 21A.38~~
5530 ~~a new section to read as follows:~~

5531 ~~A. 90. There is hereby added to K.C.C. chapter 21A.38 a new section to read as~~
5532 follows:

5533 A. The purpose of the Bear Creek office and retail special district overlay is to
5534 provide additional commercial opportunities to support area residents and the local
5535 economy and to provide retail options for employees of the office zones.

5536 B. Allowed uses within the special district overlay shall be those uses allowed in
5537 the office zone in K.C.C. chapter 21A.08 and the following permitted ~~retail~~ land uses:

- 5538 1. Building materials and hardware stores;
- 5539 2. Retail nursery, garden center and farm supply stores;
- 5540 3. Department and variety stores;
- 5541 4. SIC Major Group 54 - Food stores;
- 5542 5. SIC Industry Group 553 - Auto supply stores;
- 5543 6. SIC Industry Group 554 - Gasoline service stations;
- 5544 7. SIC Major Group 56 - Apparel and accessory stores;
- 5545 8. Furniture and home furnishings stores;
- 5546 9. SIC Major Group 58 - Eating and drinking places;
- 5547 10. Drug store;

- 5548 11. SIC Industry Group 592 - Liquor stores;
- 5549 12. SIC Industry Group 593 - Used goods: antiques/secondhand shops;
- 5550 13. Sporting goods and related stores;
- 5551 14. Book, stationary, video and art supply stores, except adult use facilities;
- 5552 15. Jewelry stores;
- 5553 16. Hobby, toy and games shops;
- 5554 17. Photographic and electronic shops;
- 5555 18. Fabric shops;
- 5556 19. Florist shops;
- 5557 20. Personal medical supply stores; ~~and~~
- 5558 21. Pet shops; and

5559 ~~SECTION 22. General services – Daycare II.~~

5560 ~~SECTION 54. There is hereby added to 91. Ordinance 12627,~~
 5561 Section 1, and K.C.C. chapter 21A.42 a new section 55.010 are hereby amended to read as
 5562 follows:

5563 ~~((Purpose.))~~ The purpose of this section is to provide for "demonstration
 5564 projects" as a mechanism to test and evaluate alternative development standards and
 5565 processes ((prior to)) before amending King County policies and regulations. Alternative
 5566 development standards might include standards affecting building and/or site design
 5567 requirements. Alternative processes might include permit review prioritization,
 5568 alternative review and revision scheduling, or staff and peer review practices. All
 5569 demonstration projects shall have broad public benefit through the testing of new
 5570 development regulations and shall not be used solely to benefit individual property

5571 owners seeking relief from King County development standards. A demonstration
5572 project shall be ((designated)) classified by the ((M))metropolitan King County
5573 ((C))council. ((Designation)) Classification of each new demonstration project shall
5574 occur through an ordinance which amends this code and shall include provisions that
5575 prescribe the purpose((s)) or purposes and location((s)) or locations of the
5576 demonstration project. Demonstration projects shall be located in urban areas, ((and/or))
5577 rural areas or natural resource lands, or any combination thereof, which are deemed most
5578 suitable for the testing of the proposed alternative development regulations. Within such
5579 areas development proposals may be undertaken to test the efficacy of alternative
5580 regulations that are proposed to facilitate increased quality of development and/or
5581 increased efficiency in the development review processes.

5582 SECTION 92. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020
5583 are hereby amended to read as follows:

5584 A. In establishing any demonstration project, the council shall specify the
5585 following:

5586 1. The purpose of the demonstration project;

5587 ~~_____ A. The _____ 2. department shall conduct at five year intervals from the~~
5588 ~~issuance of the permit, a review of the permitted fossil fuel facility site design, mitigation~~
5589 ~~and operating standards.~~

5590 The location or locations of the demonstration project;

5591 3. The scope of authority to modify standards and the lead agency, department
5592 or division with authority to administer the demonstration project;

5593 4. The development standards established by this title or other titles of the King
5594 County Code that affect the development of property that are subject to administrative
5595 modifications or waivers;

5596 5. The process through which requests for modifications or waivers are
5597 reviewed and any limitations on the type of permit or action;

5598 6. The criteria for modification or waiver approval;

5599 7. The effective period for the demonstration project and any limitations on
5600 extensions of the effective period;

5601 8. The scope of the evaluation of the demonstration project and the date by
5602 which the executive shall submit an evaluation of the demonstration project; and

5603 9. The date by which the executive shall submit an evaluation of specific
5604 alternative standards and, if applicable, proposed legislation.

5605 B. A demonstration project shall be (~~designated~~) classified by the
5606 (~~M~~)metropolitan King County (~~C~~)council through the application of a demonstration
5607 project overlay to properties in a specific area or areas. A demonstration project shall be
5608 indicated on the zoning map (~~o~~) and as a notation in the geographic information system
5609 data layers maintained by the department of local services, permitting division, by the
5610 suffix "-DPA" (meaning demonstration project area) following the map symbol of the
5611 underlying zone or zones. Within a (~~designated~~) classified demonstration project area,
5612 approved alternative development regulations may be applied to development
5613 applications.

5614 SECTION 93. Ordinance 12627, Section 3, and K.C.C. 21A.55.030 are hereby
5615 amended to read as follows:

5616 A. The demonstration projects set forth in this chapter are the only authorized
5617 demonstration projects. New or amended demonstration projects to carry out new or
5618 different goals or policies shall be adopted as part of this chapter.

5619 B. Demonstration projects must be ~~B. The review is a Type 2 land use decision.~~

5620 ~~C. The review shall ensure:~~

5621 ~~1. That the site is operating consistent with all existing permit conditions; and~~

5622 ~~2. That the most current site design and operating standards are applied to the site~~
5623 ~~through additional or revised permit conditions as necessary to mitigate identifiable~~
5624 ~~environmental, public health and public safety impacts.~~

5625 ~~D. The periodic review shall demonstrate consistency with Comprehensive Plan~~
5626 ~~policies.~~

5627 consistent with the King County Comprehensive Plan. ((Designation)) Classification of
5628 a demonstration project and its provisions to waive or modify development standards
5629 must not require nor result in amendment of the ((e))Comprehensive ((p))Plan nor the
5630 ((e))Comprehensive Plan land use map.

5631 C. Unless they are specifically modified or waived pursuant to the provisions of
5632 this chapter, the standard requirements of this title and other county ordinances and
5633 regulations shall govern all development and land uses within a demonstration project
5634 area. Property-specific development standards (P-suffix conditions) as provided in
5635 K.C.C. chapter 21A.38 shall supersede any modifications or waivers allowed by the
5636 provisions of this chapter.

5637 D. Demonstration project sites should be selected so that any resulting amended
5638 development standards or processes can be applied to similar areas or developments.

5639 [Similar areas could include those with similar mixes of use and zoning. Similar](#)
5640 [developments could include types of buildings such as commercial or multifamily and](#)
5641 [types of development such as subdivisions or redevelopment.](#)

5642 SECTION 5594. Ordinance 13332, Section 33, as amended, and K.C.C.

5643 27.10.080180 are hereby amended to read as follows:

5644 Fees for zoning or ((e))Comprehensive ((p))Plan or map modification shall be
5645 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

5646 D. If a site-specific amendment is implemented as part of ((the)) a Comprehensive
5647 Plan ((amendment process)) update, the application fee will be credited toward the zoning
5648 reclassification fee, provided that the application for zoning reclassification is filed within
5649 one year of the effective date of the site-specific land use map amendment.

5650 SECTION 5695. The following are hereby repealed:

5651 ~~_____ A. [A. Ordinance 19030, Section 13, and K.C.C. 21A.06.996;](#)~~

5652 ~~_____ B. [Ordinance 19030, Section 14, and K.C.C. 21A.06.1427A;](#)~~

5653 ~~_____ C. [Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B;](#)~~

5654 D. Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C;
5655 E. Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070;
5656 ~~B~~F. Ordinance 12171, Section 7, and K.C.C. 21A.38.110;
5657 ~~C~~G. Ordinance 12823, Section 9, and K.C.C. 21A.38.140;
5658 ~~D~~H. Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240; ~~and~~
5659 ~~E. Attachments I, H, III, VI and V to~~ Ordinance ~~111661~~19030, Section 28;
5660 J. Ordinance 19030, Section 29, and K.C.C. 21A.55.110; and
5661 K. Ordinance 19030, Section 32.

5662 SECTION ~~5~~796. K.C.C. 20.12.100, as amended by this ordinance, is hereby
5663 recodified as a new section in K.C.C. chapter 4.56.

5664 SECTION 97. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100
5665 are hereby amended to read as follows:

5666 A. The 2019 real property asset management plan, ((formerly called the county
5667 space plan,)) dated September 1, 2019, and consisting of real property asset management
5668 policies, practices and strategies, including planning policies, locations of county agencies
5669 and implementation plans, planned moves and references to King County space standards,
5670 is ((adopted as a component of the capital facilities element of)) intended to implement the
5671 capital facilities element of the King County Comprehensive Plan. The real property asset
5672 management plan dated September 1, 2019, shall guide facility planning processes,
5673 decisions and implementation.

5674 B. The executive shall ((update)) transmit to the council a proposed ordinance
5675 updating the real property asset management plan, including the current and future space

5676 needs and implementation plans of the real property asset management plan: ((and submit
5677 them to the council as amendments to the real property asset management plan))

5678 1. ((b))By the first business day in September ((±)) of every fourth year,
5679 beginning ((on September 1, 2019, and also)) 2023; or

5680 2. ((w))Within ninety days of any significant change in the county's ((space plan))
5681 inventory, such as a move, sale, purchase or other change, affecting fifty thousand or more
5682 square feet of useable space.

5683 C.1. The council may amend the executive's proposed real property asset
5684 management plan during the council's review.

5685 2. The council may at any time introduce and adopt an ordinance to modify the
5686 policies within the real property asset management plan.

5687 NEW SECTION. SECTION 98. There is hereby added to K.C.C. chapter 21A.06
5688 a new section to read as follows:

5689 Winery: An establishment primarily engaged in one or more of the following:

5690 A. Growing grapes or fruit and manufacturing wine, cider or brandies;

5691 B. Manufacturing wine, cider or brandies from grapes and other fruits grown
5692 elsewhere; and

5693 C. Blending wines, cider or brandies.

5694 SECTION 99. The executive shall submit sections ~~42, 43, 44~~68, 69, 70 and 4571

5695 of this ordinance, amendments to King County Comprehensive Plan chapter six in

5696 Attachment A to this ordinance and amendments to ~~Attachment K~~ of the Shoreline

5697 Master Program in Attachments E and H to this ordinance to the state Department of

5698 Ecology for its approval, as provided in RCW 90.58.090.

5699 SECTION 58100. Sections 42, 43, 4468, 69, 70 and 4571 of this ordinance,
5700 amendments to King County Comprehensive Plan chapter six in Attachment A to this
5701 ordinance and amendments to Attachment K of the Shoreline Master Program in
5702 Attachments E and H to this ordinance take effect within the shoreline jurisdiction
5703 fourteen days after the state Department of Ecology provides written notice of final
5704 action stating that the proposal is approved, in accordance with RCW 90.58.909090. The
5705 executive shall provide the written notice of final action to the clerk of the council.

5706 SECTION 101. A. The executive shall transmit a proposed ordinance that adopts
5707 regulations for wineries, breweries and distilleries, and related uses. Before transmittal of
5708 that proposed ordinance, the executive shall complete the SEPA review requested by
5709 Motion 15649 and required by chapter 43.21C RCW, chapter 197-11 WAC and K.C.C.
5710 chapter 20.44.

5711 B. The executive shall transmit the proposed ordinance required by this section
5712 within six months of the completion of the SEPA review process, including any required
5713 comment and appeal periods. The executive shall transmit the proposed ordinance in the
5714 form of a paper original and an electronic copy to the clerk of the council, who shall
5715 retain the original and provide an electronic copy to all councilmembers, the council chief
5716 of staff and the lead staff for the local services committee, or its successor.

5717 SECTION 102. ~~SECTION 59.~~ Severability. If any provision of this
5718 ordinance or its application to any person or circumstance is held invalid, the remainder
5719 of the ordinance or the application of the provision to other persons or circumstances is
5720 not affected.

5721