

**S4.1**

7/20/20  
2020 KCCP  
Striking Amendment S4.1

ea/am/jn/jt

Sponsor: Dembowski

Proposed No.: 2019-0413

1 **STRIKING AMENDMENT S4.1 TO PROPOSED ORDINANCE 2019-0413,**

2 **VERSION 1**

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

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

6 **SECTION 1. Findings:**

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

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

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

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

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

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

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

48 G. The last statutory update required by RCW 36.70A.130(4)(a) was met with the  
49 2012 King County Comprehensive Plan that was adopted by Ordinance 17485.  
50 Engrossed Substitute House Bill 2342, passed by the legislature and signed into law as  
51 Chapter 113, Laws of Washington 2020, by the governor as a result of 2020 legislative  
52 session, modified the schedule for the GMA-mandated updates to Comprehensive Plans.  
53 As a result, RCW 36.70A.130(5)(a) requires King County and the cities within King  
54 County to complete a review of their comprehensive plans on or before June 30, 2024,  
55 and every eight years thereafter. This 2020 update does not serve as the statutory update  
56 required by RCW 36.70A.130.

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

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

74 J. The Shoreline Management Act requires King County to develop and  
75 administer a shoreline master program. Ordinance 16985 and Ordinance 17485 adopted  
76 a comprehensive update of King County's shoreline master program as required by RCW  
77 90.58.080(2). Ordinance 19034 adopted a periodic review of King County's shoreline  
78 master program as required by RCW 90.58.080(4).

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

85 L. The 2016 King County Comprehensive Plan launched a Community Service  
86 Areas subarea planning program. Community Service Area ("CSA") subarea plans are  
87 expected to be created for the six rural CSAs and for the five remaining large urban

88 unincorporated potential annexation areas. The CSA subarea planning program  
89 recognizes the county's role as a local service provider in the unincorporated area,  
90 including for localized long-range planning. Many areas of unincorporated King County  
91 have not had subarea planning since the 1990s or earlier. The CSA subarea planning  
92 program as restructured in the 2018 update and refined in the 2020 update will provide  
93 improved coordination, accountability and service delivery in the area of long-range  
94 planning for unincorporated areas of King County.

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

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

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

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

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

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

131 S. The board's order was primarily focused on SEPA. The board concluded that  
132 the analysis contained in the SEPA checklist was insufficient to support the SEPA

133 determination of nonsignificance. The board set a compliance schedule requiring  
134 additional action by the county with a November 2020 deadline.

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

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

148 W. This ordinance repeals the invalidated sections of Ordinance 19030, and  
149 reestablishes the regulations for wineries, breweries, and distilleries that were in place  
150 before Ordinance 19030 was adopted. This ordinance also directs the executive to  
151 transmit a proposed ordinance recommending regulations for this uses within six months  
152 of the end of the SEPA review and all comment and appeal periods requested by Motion  
153 15649.

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

156 Ordinance 18472 and its attachments and as amended by Ordinance 18623 and Ordinance  
157 18810.

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

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

163           C. The elements of the King County Shoreline Master Program in sections 68,  
164 69, 70 and 71 of this ordinance, in King County Comprehensive Plan chapter six of  
165 Attachment A to this ordinance, and in Attachments E and H to this ordinance are hereby  
166 amended to read as set forth in this ordinance and are incorporated herein by this  
167 reference.

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

171           E. The land use and zoning amendments in sections 87, 88, 89, 90 and 95 of this  
172 ordinance and Attachment D to this ordinance are hereby adopted as amendments to  
173 Appendix A to Ordinance 12824, as amended, and as the official land use and zoning  
174 controls for those portions of unincorporated King County defined in those sections of  
175 this ordinance and attachments to this ordinance.

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

179            SECTION 3. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, are  
180 hereby amended to read as follows:

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

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

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

187            2. Preparing forecasts of and monitor revenues;

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

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

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

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

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

198            8. Performance management and accountability:

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

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

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

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

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

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

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

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

216           i. developing and transmitting to the council a biennial report on April 30 in  
217 odd-numbered years about the benefits achieved from technology projects. The report  
218 shall include information about the benefits obtained from completed projects and a  
219 comparison with benefits that were projected during different stages of the project. The  
220 report shall also include a description of the expected benefits from those projects not yet  
221 completed. The report shall be approved by the council by motion. The report and  
222 motion shall be filed in the form of a paper original and an electronic copy with the clerk

223 of the council, who shall retain the original and provide an electronic copy to all  
224 councilmembers;

225 9. Strategic planning and interagency coordination:

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

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

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

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

232 10. Business relations and economic development:

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

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

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

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

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

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

249 11. Continuous improvement:

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

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

257 12. Regional planning:

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

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

265 c. managing updates to the county's Comprehensive Plan in coordination with  
266 the department of local services(~~(-permitting division,))~~) in accordance with K.C.C. Title  
267 20;

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

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

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

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

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

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

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

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

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

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

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

299 a. liquor licenses under chapter 66.20 RCW; and

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

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

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

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

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

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

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

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

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

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

331 a. improving the coordination of local services by county agencies through  
332 increased collaboration;

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

- 335 c. improving the delivery, responsiveness and quality of local services to the  
336 people, businesses and communities of unincorporated King County through unified  
337 accountability;
- 338 d. improving local services through robust employee engagement while  
339 embracing equity and social justice and continuous improvement;
- 340 e. strengthening unincorporated communities by supporting local planning and  
341 community initiatives; and
- 342 f. pursuing innovative funding strategies.

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

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

- 350 a. be based on a scope of work established with the community;
- 351 b. establish a long-range vision and policies to implement that vision. Policies  
352 in the subarea plan shall be consistent with and not redundant to policy direction in the  
353 Comprehensive Plan;
- 354 c. establish performance metrics and monitoring for implementation of the  
355 subarea plan;
- 356 d. use the tools and resources developed by the office of equity and social  
357 justice to develop the scope of work and to develop, review, amend, adopt and implement

358 the subarea plan, including, but not limited to, community engagement, language access  
359 and equity impact review tools. The county shall use, at minimum, the "County engages  
360 in dialogue" and "County and community work together" levels of engagement as  
361 outlined in the office of equity and social justice's Community Engagement Guide for the  
362 scoping, development, review, amendment, adoption and implementation of the subarea  
363 plan. The county shall include as an appendix to the subarea plan information detailing  
364 the community engagement completed during the development of the subarea plan and  
365 how the community engagement meets the requirements of this subsection B.2.d.;

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

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

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

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

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

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

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

391 2. Each community needs list shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

482 b. address the required elements in Ordinance 17139((5));

483 c. list potential action items for the area((5));

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

485 e. identify public meetings for the area;

486 f. include the current adopted community needs list as required in subsection

487 C. of this section; and

488 g. establish an ongoing communications and community engagement plan

489 using tools and resources developed by the office of equity and social justice, including,

490 but not limited to, community engagement, language access and equity impact review

491 tools. The county shall use, at minimum, the "County engages in dialogue" and "County

492 and community work together" levels of engagement as outlined in the office of equity

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

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

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

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

508 2. Service partnerships agreements shall:

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

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

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

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

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

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

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

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

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

528           e. use of the community service area work programs in local service delivery  
529 by the partner agency; and

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

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

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

545           ~~((C:))~~ F. Until an ordinance that makes changes to the King County Code  
546 required in ~~((section 217))~~ Ordinance 18791, Section 217, is effective, the permitting  
547 division shall be considered the successor agency to the department of permitting and  
548 environmental review. Therefore, upon effectiveness of Ordinance 18791 and until an  
549 ordinance required by Ordinance 18791, ~~((s))~~Section 217, is effective, where the code  
550 states or intends a decision to be made or action to be implemented by the department of  
551 permitting and environmental review, those decisions or actions shall be performed by  
552 the permitting division.

553           ~~((D:))~~ G.1. The duties of the permitting division shall include the following:  
554           a. ensuring consistent and efficient administration of environmental, building  
555 and land use codes and regulations for commercial and residential projects by means of  
556 permit review and approval, construction inspections and public information;  
557           b. ~~((managing the development and implementation of unincorporated subarea~~  
558 ~~plans in coordination with the regional planning function in K.C.C. 2.16.025 and in~~  
559 ~~accordance with the King County Comprehensive Plan and state Growth Management~~  
560 ~~Act requirements;~~

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

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

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

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

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

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

583            2. The permitting division manager shall be the:

- 584 a. county planning director;  
585 b. zoning adjuster;  
586 c. responsible official for purposes of administering the state Environmental  
587 Policy Act;  
588 d. county building official; and  
589 e. county fire marshal.

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

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

- 597 1. Designing, constructing and maintaining county roads, bridges and associated  
598 drainage facilities;  
599 2. Designing, installing and maintaining county traffic signs, markings and  
600 signals;  
601 3. Designing, installing and maintaining bicycle and pedestrian facilities;  
602 4. Managing intergovernmental contracts or agreements for services related to  
603 road maintenance and construction and to other transportation programs supporting the  
604 transportation plan;

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

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

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

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

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

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

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

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

629           c. The county executive may assign professional engineering duties of the  
630 county road engineer to someone other than the county road engineer, except as  
631 otherwise assigned by the King County Code, and only if the individual assigned those  
632 duties shall be qualified as required under RCW 36.80.020. The executive shall provide  
633 to the county council and the Washington state County Road Administration Board, in  
634 writing, those specific professional engineering duties not assigned to the county road  
635 engineer, the name and position of each person responsible for carrying out those  
636 assigned duties, the specific reporting and working relationships with the county road  
637 engineer and the duration for which those duties have been assigned.

638           SECTION 5. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.  
639 20.12.010 are hereby amended to read as follows:

640           ~~((A.))~~ Under the King County Charter, the state Constitution and the Washington  
641 state Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King  
642 County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive  
643 Plan for King County until amended, repealed or superseded. The Comprehensive Plan has  
644 been reviewed and amended multiple times since its adoption in 1994. Amendments to the  
645 1994 Comprehensive Plan to-date are currently reflected in the 2016 King County  
646 Comprehensive Plan, as adopted in Ordinance 18427 and as amended by Ordinance 18623,  
647 Ordinance 18810 ~~((and))~~, Ordinance 19034 and this ordinance. The Comprehensive Plan  
648 shall be the principal planning document for the orderly physical development of the

649 county and shall be used to guide subarea plans, functional plans, provision of public  
650 facilities and services, review of proposed incorporations and annexations, development  
651 regulations and land development decisions.

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

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

656 A. Ordinance 11653 adopts area zoning to implement the 1994 King County  
657 Comprehensive Plan pursuant to the Washington State Growth Management Act  
658 ((~~RCW~~), chapter 36.760A RCW). Ordinance 11653 also converts existing zoning in  
659 unincorporated King County to the new zoning classifications in the 1993 Zoning Code,  
660 codified in Title 21A, pursuant to the area zoning conversion guidelines in K.C.C.  
661 21A.01.070. The following are adopted as attachments to Ordinance 11653:

662 Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December  
663 19, 1994.

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

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

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

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

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

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

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

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

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

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

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

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

679 Appendix N: Amendments to Resource Lands Community Plan P-Suffix  
680 Conditions.

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

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

683 B. Area zoning adopted by Ordinance 11653, including potential zoning, is  
684 contained in Appendices A and O. Amendments to area-wide P-suffix conditions  
685 adopted as part of community plan area zoning are contained in Appendices B through N.  
686 Existing P-suffix conditions whether adopted through reclassifications or community  
687 plan area zoning are retained by Ordinance 11653 except as amended in Appendices B  
688 through N.

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

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

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

695 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance  
696 12170 are hereby adopted to comply with the Decision and Order of the Central Puget  
697 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King  
698 County, Case No. 95-3-0008.

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

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

706 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance  
707 12533 as Appendix B is adopted as the official zoning control for those portions of  
708 unincorporated King County defined therein. Existing p-suffix conditions whether  
709 adopted through reclassifications or area zoning are retained by Ordinance 12533.

710 I. The King County Zoning Atlas is amended to include the area shown in  
711 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions  
712 whether adopted through reclassifications or area zoning are retained by Ordinance  
713 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King  
714 County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance  
715 12535.

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

718 Ordinance 12627.

719 K. The special district overlays, as designated on the map attached to Ordinance  
720 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and  
721 21A.38.040.

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

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

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

733 2. All ordinances adopting individual zone reclassifications effective ((prior to))  
734 before February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633,  
735 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765,  
736 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496,  
737 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051,  
738 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867,  
739 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171,  
740 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854,

741 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832,  
742 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653,  
743 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375,  
744 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865,  
745 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194,  
746 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271((;)) and 11651,  
747 are hereby repealed and p-suffix conditions are replaced by the property specific  
748 development standards as set forth in Appendix A to Ordinance 12824;

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

753           4. All ordinances adopting area zoning pursuant to Resolution 25789 or  
754 converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of  
755 this section. All p-suffix conditions contained therein are repealed or replaced by  
756 adopting the property specific development standards as set forth in Appendix A to  
757 Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance  
758 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

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

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

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

764 as Appendix B, as amended is hereby repealed.

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

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

769           f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance  
770 7837 as Appendix B, as amended, is hereby repealed.

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

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

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

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

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

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

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

785           n. The West Hill Community Plan Area Zoning adopted in Ordinance  
786 ((11116)) 11166, as amended, is hereby repealed; and

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

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

798           b. All property specific development standards established in Ordinance  
799 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

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

802           d. All property specific development standards established in Ordinance  
803 12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

804           e. All property specific development standards established in Ordinance  
805 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

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

808           SECTION 7. Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337 are  
809 hereby amended to read as follows:

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

819           SECTION 8. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030  
820 are hereby amended to read as follows:

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

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

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

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

- 842           1. Technical amendments to policy, text, maps or shoreline environment  
843 designations;
- 844           2. The annual capital improvement plan;
- 845           3. The transportation needs report;
- 846           4. School capital facility plans;
- 847           5. Changes required by existing Comprehensive Plan policies;
- 848           6. Changes to the technical appendices and any amendments required thereby;
- 849           7. Comprehensive updates of subarea plans initiated by motion;
- 850           8. Changes required by amendments to the Countywide Planning Policies or state  
851 law;
- 852           9. Redesignation proposals under the four-to-one program as provided for in this  
853 chapter;
- 854           10. Amendments necessary for the conservation of threatened and endangered  
855 species;

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

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

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

866 14. Adoption of community service area subarea plans;

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

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

873 C. Every eighth year beginning in ((2023)) 2024, the county shall complete a  
874 comprehensive review of the Comprehensive Plan in order to update it as appropriate and  
875 to ensure continued compliance with the GMA. This review may provide for a cumulative  
876 analysis of the twenty-year plan based upon official population growth forecasts,  
877 benchmarks and other relevant data in order to consider substantive changes to ((policy  
878 language)) the Comprehensive Plan and changes to the urban growth area boundary. The

879 comprehensive review shall begin one year in advance of the transmittal and may be  
880 referred to as the eight-year update. The urban growth area boundaries shall be reviewed in  
881 the context of the eight-year update and in accordance with countywide planning policy G-  
882 1 and RCW 36.70A.130.

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

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

899 3. If the executive proposes a midpoint update, the executive shall transmit to the  
900 council by the last business day in June two years before the midpoint year of the eight-  
901 year update ~~((eyele))~~ schedule a proposed motion specifying the scope of work for the

902 midpoint update. The council shall have until September 15 of that year, to adopt a motion  
903 specifying the scope of work initiating a midpoint update, either as transmitted or amended,  
904 or as introduced or amended. If the motion is approved by September 15, the scope shall  
905 proceed as established by the approved motion. In the absence of council approval by  
906 September 15, the executive shall proceed to implement the scope as transmitted. If such  
907 a motion is adopted, the executive shall transmit a midpoint update by the last business day  
908 of June of the following year after adoption of the motion. The council shall have until  
909 June 30 of the following year after transmittal to adopt a midpoint update.

910 4. Before initiation of the first eight-year update in ~~((2023))~~ 2024, substantive  
911 changes to the Comprehensive Plan and amendments to the urban growth area boundary  
912 may be considered. The amendments shall be considered in the 2020 Comprehensive Plan  
913 update and shall be subject to the midpoint update process and requirements. The  
914 executive shall transmit to the council by the first business day of January 2019 a proposed  
915 motion specifying the scope of work for the proposed ~~((amendments))~~ update consistent  
916 with K.C.C. 20.18.030.D.1. The council shall have until the last business day of February  
917 2019, to adopt the motion, either as transmitted or amended. In the absence of council  
918 approval by the last business day of February 2019, the executive shall proceed to  
919 implement the scope as proposed. If the motion is approved the last business day of  
920 February 2019, the scope shall proceed as established by the approved motion. The  
921 executive shall transmit to the council any proposed amendments for the 2020  
922 Comprehensive Plan update the by the last business day of September 2019. The council  
923 shall have until the last business day of ~~((June))~~ July 2020 to adopt the 2020  
924 Comprehensive Plan update.

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

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

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

947 1. If initiated by council motion, the motion shall refer the proposed site-specific

948 land use map or shoreline master program map amendment to the department of local  
949 services, permitting division, review for preparation of a recommendation to the hearing  
950 examiner. The motion shall also identify the resources and the work program required to  
951 provide the same level of review accorded to applicant-initiated amendments. An analysis  
952 of the motion's fiscal impact shall be provided to the council before adoption. If the  
953 executive determines that additional funds are necessary to complete the work program, the  
954 executive may transmit an ordinance requesting the appropriation of supplemental funds.

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

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

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

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

969           C. All proposed site-specific land use map or shoreline master program map  
970 amendments, whether initiated by property owner application, by council motion or by

971 executive proposal shall include the following:

- 972 1. Name and address of the owner or owners of record;
- 973 2. Description of the proposed amendment;
- 974 3. Property description, including parcel number, property street address and  
975 nearest cross street;
- 976 4. County assessor's map outlining the subject property; and
- 977 5. Related or previous permit activity.

978 D. Upon initiation of a site-specific land use map or shoreline master program map  
979 amendment, an initial review conference shall be scheduled by the department of local  
980 services, permitting division. The owner or owners of record of the property shall be  
981 notified of and invited to attend the initial review conference. At the initial review  
982 conference, the department of local services, permitting division, shall review the proposed  
983 amendment's consistency with applicable county policies or regulatory enactments  
984 including specific reference to Comprehensive Plan policies, countywide planning policies  
985 and state Growth Management Act requirements. The proposed amendment will be  
986 classified in accordance with K.C.C. 20.18.040 and the classification shall be provided at  
987 the initial review conference or in writing to the owner or owners of record within thirty  
988 days after the initial review conference.

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

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

998 G. If a proposed site-specific land use map or shoreline master program map  
999 amendment is initiated by executive proposal, following the initial review conference, the  
1000 executive shall submit an environmental checklist to the department of local services,  
1001 permitting division, to proceed with review of the proposed amendment.

1002 H. Following the submittal of the information required by subsection E., F. or G. of  
1003 this section, the department of local services, permitting division, shall submit a report  
1004 including an executive recommendation on the proposed amendment to the hearing  
1005 examiner within one hundred twenty days. The department of local services, permitting  
1006 division, shall provide notice of a public hearing and notice of threshold determination in  
1007 accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the  
1008 hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing, the  
1009 hearing examiner shall prepare a report and recommendation on the proposed amendment  
1010 in accordance with K.C.C. 20.22.170. A compilation of all completed reports will be  
1011 considered by the council in accordance with K.C.C. 20.18.070.

1012 I. A property-owner-initiated docket request for a site-specific land use map or  
1013 shoreline master program map amendment may be accompanied by an application for a  
1014 zone reclassification to implement the proposed amendment, in which case administrative  
1015 review of the two applications shall be consolidated to the extent practical consistent with  
1016 this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land

1017 use map or shoreline master program map amendment is a legislative decision that should  
1018 be determined before and separate from its consideration of a zone reclassification, which  
1019 is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an  
1020 application for a site-specific land use map or shoreline master program map amendment  
1021 and the amendment is adopted, the property shall be given potential zoning. A zone  
1022 reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the  
1023 potential zoning.

1024 J. Site-specific land use map or shoreline master program map amendments for  
1025 which a completed recommendation by the hearing examiner has been submitted to the  
1026 council by January 15 will be considered concurrently with the annual ~~((amendment))~~  
1027 update to the Comprehensive Plan. Site-specific land use map or shoreline master program  
1028 map amendments for which a recommendation has not been issued by the hearing  
1029 examiner by January 15 shall be included in the next ~~((appropriate review cycle))~~ update  
1030 following issuance of the examiner's recommendation.

1031 K.1. An amendment to a land use designation or shoreline environment designation  
1032 for a property may not be initiated unless at least three years have elapsed since council  
1033 adoption or review of the current designation for the property. This time limit may be  
1034 waived by the executive or the council if the proponent establishes that there exists either  
1035 an obvious technical error or a change in circumstances justifying the need for the  
1036 amendment.

1037 2. A waiver by the executive shall be considered after the proponent has  
1038 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall  
1039 render a waiver decision within forty-five days of receiving a docket request and shall mail

1040 a copy of this decision to the proponent.

1041 3. A waiver by the council shall be considered by motion.

1042 L. A shoreline master program map amendment and redesignation must meet the  
1043 requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state  
1044 Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program  
1045 map amendment and redesignation must be approved by the Washington state Department  
1046 of Ecology.

1047 SECTION 10. Ordinance 114047, Section 4, and K.C.C. 20.18.055 are hereby  
1048 amended to read as follows:

1049 A. All site-specific land use map amendments, whether initiated by property  
1050 owner application, by council motion, or by executive proposal, shall be reviewed based  
1051 upon the requirements of Comprehensive Plan policy (~~(RP-307)~~) I-207, and must meet  
1052 the following additional review standards:

1053 1. Consistency with the policies, objectives and goals of the Comprehensive Plan,  
1054 ~~((f))~~including any applicable subarea plans~~((g))~~, the countywide planning policies and the  
1055 state Growth Management Act;

1056 2. Compatibility with adjacent and nearby existing and permitted land uses; and

1057 3. Compatibility with the surrounding development pattern.

1058 B. Site-specific land use map amendments for which recommendations have been  
1059 issued by the hearing examiner by January 15 shall be submitted to the executive and the  
1060 council by the hearing examiner by January 15. The department will provide for a  
1061 cumulative analysis of these recommendations and such analysis will be included in the  
1062 annual March transmittal. All such amendments will be considered concurrently by the

1063 council committee charged with the review of the ~~((e))~~Comprehensive ~~((p))~~Plan.  
1064 Following this review, site-specific land use map amendments which are recommended by  
1065 this committee will be incorporated as an attachment to the adopting ordinance transmitted  
1066 by the executive for consideration by the full council. Final action by the council on these  
1067 amendments will occur concurrently with the annual ~~((amendment))~~ update to the  
1068 ~~((e))~~Comprehensive ~~((p))~~Plan.

1069 SECTION 11. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060  
1070 are hereby amended to read as follows:

1071 A. Beginning in ~~((2024))~~ 2022, and every eighth year thereafter the executive shall  
1072 transmit to the council by the last business day of June a proposed motion specifying the  
1073 scope of work for the proposed ~~((amendments))~~ update to the Comprehensive Plan that will  
1074 occur in the following year, which motion shall include the following:

1075 1. Topical areas relating to amendments to policies, the land use map,  
1076 implementing development regulations, or any combination of those amendments that the  
1077 executive intends to consider for recommendation to the council; and

1078 2. An attachment to the motion advising the council of the work program the  
1079 executive intends to follow to accomplish ~~((s))~~State Environmental Policy Act review and  
1080 public participation.

1081 B. The council shall have until September 15 to approve the motion. In the  
1082 absence of council approval, the executive shall proceed to implement the work program as  
1083 proposed. If the motion is approved, the work program shall proceed as established by the  
1084 approved motion.

1085 C. Beginning in ~~((2022))~~ 2023 and every eighth year thereafter, the executive shall  
1086 transmit to the council by the last business day of June a proposed ordinance ~~((amending))~~  
1087 updating the Comprehensive Plan, except that the capital improvement program and the  
1088 ordinances adopting updates to the transportation needs report and the school capital  
1089 facility plans shall be transmitted no later than the biennial budget transmittal and shall be  
1090 adopted in conjunction with the budget. However, in those years when there is only a  
1091 midbiennium review of the budget, the ordinances adopting the capital improvement plan  
1092 and the school capital facility plans shall be transmitted by October 1 and adopted no later  
1093 than the midbiennium review under K.C.C. 4A.100.010. All transmittals shall be  
1094 accompanied by a public participation note, identifying the methods used by the executive  
1095 to ensure early and continuous public participation in the preparation of amendments. The  
1096 council shall have until June 30 of the following year to adopt ~~((the amendments))~~ an  
1097 update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

1098 SECTION 12. Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070  
1099 are hereby amended to read as follows:

1100 A. The executive shall transmit to the council ~~((any proposed amendments for))~~ the  
1101 annual update by the last business day of June, except that the capital improvement  
1102 program and the ordinances adopting updates to the transportation needs report and the  
1103 school capital facility plans shall be transmitted no later than the biennial budget transmittal  
1104 and shall be adopted in conjunction with the budget. However, in those years when there is  
1105 only a midbiennium review of the budget, the ordinances adopting the capital improvement  
1106 plan and the school capital facility plans shall be transmitted by October 1, and adopted no  
1107 later than the midbiennium review under K.C.C. 4A.100.010.

1108 B. All transmittals shall be accompanied by a public participation note, identifying  
1109 the methods used by the executive to assure early and continuous public participation in the  
1110 preparation of ~~((amendments))~~ updates.

1111 C. Proposed amendments, including site-specific land use map amendments, that  
1112 are found to require preparation of an environmental impact statement, shall be considered  
1113 for inclusion in the next annual, midpoint or eight-year update following completion of the  
1114 appropriate environmental documents.

1115 SECTION 13. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020  
1116 are hereby amended to read as follows:

1117 A. Land use permit decisions are classified into four types, based on who makes  
1118 the decision, whether public notice is required, whether a public hearing is required before  
1119 a decision is made and whether administrative appeals are provided. The types of land use  
1120 decisions are listed in subsection E. of this section.

1121 1. Type 1 decisions are made by the permitting division manager or designee  
1122 ("the director") of the department of local services ("the department"). Type 1 decisions  
1123 are nonappealable administrative decisions.

1124 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary  
1125 decisions that are subject to administrative appeal.

1126 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
1127 following an open record hearing. Type 3 decisions may be appealed to the county council,  
1128 based on the record established by the hearing examiner.

1129 4. Type 4 decisions are quasi-judicial decisions made by the council based on the  
1130 record established by the hearing examiner.

1131 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise  
 1132 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit  
 1133 applications that would require more than one type of land use decision process may be  
 1134 processed and decided together, including any administrative appeals, using the highest-  
 1135 numbered land use decision type applicable to the project application.

1136 C. Certain development proposals are subject to additional procedural requirements  
 1137 beyond the standard procedures established in this chapter.

1138 D. Land use permits that are categorically exempt from review under SEPA do not  
 1139 require a threshold determination (determination of nonsignificance ["DNS"] or  
 1140 determination of significance ["DS"]). For all other projects, the SEPA review procedures  
 1141 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

1142 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C.
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		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; final plat.
TYPE 2 <sup>1,2</sup>	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit <sup>3</sup> ; building permit, site development permit or

		clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions or variances to floodplain development regulations under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances; <u>sea level rise risk area variance adopted in K.C.C. chapter 21A.xx (the new chapter established by section 64 of this ordinance).</u>
TYPE 3 <sup>1</sup>	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 <sup>1,4</sup>	(Recommendation by director, hearing and recommendation	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions;

	by hearing examiner decision by county council on the record)	plat vacations; short plat vacations; deletion of special district overlay.
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1143 <sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA  
1144 appeals and appeals of Type 3 and 4 decisions to the council.

1145 <sup>2</sup> When an application for a Type 2 decision is combined with other permits requiring  
1146 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes  
1147 the decision.

1148 <sup>3</sup> A shoreline permit, including a shoreline variance or conditional use, is appealable to  
1149 the state Shorelines Hearings Board and not to the hearing examiner.

1150 <sup>4</sup> Approvals that are consistent with the Comprehensive Plan may be considered by the  
1151 council at any time. Zone reclassifications that are not consistent with the  
1152 Comprehensive Plan require a site-specific land use map amendment and the council's  
1153 hearing and consideration shall be scheduled with the amendment to the Comprehensive  
1154 Plan under K.C.C. 20.18.040 and 20.18.060.

1155 F. The definitions in K.C.C. 21A.45.020 apply to this section.

1156 SECTION 14. Ordinance 13147, Section 34, as amended, and K.C.C. 20.22.170  
1157 are hereby amended to read as follows:

1158 A. Upon initiation of a site-specific land use map amendment to the  
1159 Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing  
1160 to consider the department's written recommendation and to take testimony and receive  
1161 additional evidence relating to the proposed amendment. The examiner may consolidate

1162 hearings in accordance with K.C.C. 20.22.110 to the extent practicable. No later than thirty  
1163 days after closing the public hearing on the site-specific land use map amendment, the  
1164 examiner shall prepare a recommendation that contains written findings and conclusions  
1165 regarding whether:

1166           1. Under K.C.C. 20.18.040, a proposed site-specific land use map amendment  
1167 may be considered as part of ~~((an))~~ the annual ~~((review cycle))~~ update; and

1168           2. A site-specific land use map amendment is consistent with the applicable  
1169 review criteria.

1170           B. The office of the hearing examiner shall compile the written recommendations  
1171 on all site-specific land use map amendments made in a year into a single report. The  
1172 report shall be filed by January 15 in the form of a paper original and an electronic copy  
1173 with the clerk of the council, who shall retain the original and provide an electronic copy to  
1174 all councilmembers, the council chief of staff and the lead staff for the ~~((transportation,~~  
1175 ~~economy and environment))~~ council committee ~~((or its successor))~~ charged with the review  
1176 of the Comprehensive Plan.

1177           SECTION 15. Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070  
1178 are hereby amended to read as follows:

1179           A. The council directs the department to prepare proposed new zoning maps  
1180 applying the 1993 King County Zoning Code and transmit within ten months of June 28,  
1181 1993, for council review and adoption.

1182           B. The department shall use the table in subsection C. of this section and the  
1183 guidelines of this section in preparing an ordinance or ordinances to convert each area  
1184 zoning document to the 1993 Zoning Code, with modifications appropriate to be consistent

1185 with the ~~((e))~~Comprehensive ~~((p))~~Plan land use map and policies, so as to implement the  
 1186 ~~((e))~~Comprehensive ~~((p))~~Plan and convert old outright and potential ~~((zone designations))~~  
 1187 zoning classifications to new ones in a consistent manner. ~~((The provisions of t))~~This  
 1188 section also shall apply to conversion of the resource lands area zoning adopted pursuant to  
 1189 K.C.C. 20.12.390.

1190 C. Conversion table. The following conversion table and criteria contained therein  
 1191 shall be used by the department in converting the zoning maps adopted pursuant to  
 1192 Resolution 25789 to the 1993 Zoning Code:

<b>RESOLUTION 25789 ZONING MAP SYMBOLS</b>	<b>1993 ZONING CODE MAP SYMBOLS</b>	<b>ADDITIONAL CRITERIA</b>
F	F	In Forest Production or Rural Areas
FR	F or RA	Use zone most consistent with the <del>((e))</del> Comprehensive <del>((p))</del> Plan
A, A-10 A-35	A-10 A-35 or A-60	In Agricultural or Rural Areas Use zone most consistent with the <del>((e))</del> Comprehensive <del>((p))</del> Plan
Q-M	M	Designated Mining Sites
AR-2.5 AR-5 AR-10	RA-2.5 RA-5 RA-10 or RA-20	In Rural Areas Use zone most consistent with the <del>((e))</del> Comprehensive <del>((p))</del> Plan
GR-5, GR-2.5,	UR	Only in designated urban areas

G-5	RA	In areas not designated urban
G	R-1 RA	Only in designated urban areas In areas not designated urban
SE, S-C	R-1	Only in designated urban areas or Rural Towns
SR/RS15000,SR/ RS 9600	R-4	Only in designated urban areas or Rural Towns
SR7200, RS7200	R-6	Only in designated urban areas or Rural Towns
SR5000, RS5000	R-8	Only in designated urban areas or Rural Towns
RMHP	R-4 through R- 48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RD3600, RT3600	R-12	
RM2400, RT2400	R-18	
RT, RM1800, RT1800	R-24	
RM900	O or R-48	Apply zoning closest to

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

1193 D. Unclassified Use Permit Mining Operations. In addition to the conversions  
1194 set out in the table in subsection C. of this section, all sites legally operating pursuant to  
1195 an unclassified use permit for mining operations shall be zoned M (Mineral).

1196 E. Resolution of map conflicts. In cases of ambiguity or conflict between a  
1197 community or ((e))Comprehensive ((p))Plan ((map)) land use designation and the  
1198 ((zone)) zoning classification applied under the old code, the department shall use the  
1199 following guidelines and procedures in recommending new zones:

1200 1. As a general rule, the outright or potential zoning ((designation))  
1201 classification applied shall be that which is consistent with the 1994 King County  
1202 Comprehensive Plan; adopted community plans, where they do not conflict, may be used  
1203 to provide additional guidance;

1204 2. If the application of the guidelines in this subsection leads the department to  
1205 propose applying an outright or potential ((zone)) zoning classification from the 1993

1206 Zoning Code that is not functionally equivalent to a classification from the old code as  
1207 defined in the table in subsection C. of this section, the department shall notify the owner  
1208 of the property proposed for reclassification no later than the council introduction date of  
1209 the ordinance amending said property, and the property owner may request a change in  
1210 the area zoning in a manner consistent with the procedures used for council review of a  
1211 community plan and area zoning.

1212 F. Area-wide P-suffix development conditions. The department shall review all  
1213 area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution  
1214 25789, and recommend legislation removing all such conditions which conflict with the  
1215 ~~(e)~~ Comprehensive ~~(p)~~ Plan or have been replaced adequately by standards adopted in  
1216 the 1993 zoning code. If P-suffix conditions implement policies in the  
1217 ~~(e)~~ Comprehensive ~~(p)~~ Plan, then regulations shall be developed by the end of 1995 and  
1218 the P-suffix conditions shall be removed. Any P-suffix conditions which implement  
1219 policies in community plans which are not in conflict with the ~~(e)~~ Comprehensive  
1220 ~~(p)~~ Plan but are not adequately addressed by this code shall be carried forward intact  
1221 until they are evaluated for replacement by general code revisions in 1995.

1222 G. Site-specific development conditions. Approval conditions for previous zone  
1223 reclassifications, planned unit developments, unclassified permits, and P-suffix  
1224 conditions applied to individual properties in land use actions pursuant to Resolution  
1225 25789, should be recommended for retention wherever they address conditions unique to  
1226 a particular property and not addressed by the standards in the Zoning Code.

1227 H. For area zoning documents being converted to the 1993 Zoning Code without  
1228 amendments to their respective community plan maps and policies, only requests for

1229 zone changes which meet one of the following criteria shall be considered during either  
1230 the department or council review process:

1231 1. As provided in subsection E. of this section;

1232 2. When an applicant can demonstrate that the department's proposal incorrectly  
1233 implements an adopted ~~((€))~~Comprehensive ~~((P))~~Plan map designation or policy in  
1234 converting existing zoning to a new ~~((zone))~~ zoning classification; or

1235 3. The site is the subject of an application for a Master Planned Development or  
1236 Urban Planned Development, and conversion to the 1993 Zoning Code is requested as  
1237 part of such application. Rezoning of such sites during the conversion, area zoning  
1238 otherwise shall be to Urban Reserve with the urban planned development overlay district  
1239 as provided in K.C.C. chapter 21A.38.

1240 I. Requests which do not meet one of the criteria of subsection H. of this section  
1241 shall be treated as quasi-judicial reclassification requests which must be formally applied  
1242 for according to the process provided for such requests and shall be subject to the criteria  
1243 in K.C.C. 20.22.150.

1244 J. Requests for quasi-judicial reclassification that are consistent with the  
1245 conversion table illustrated in subsection C. of this section and requests for quasi-judicial  
1246 reclassification to the M zone, shall not be subject to the criteria in K.C.C. 20.22.150.

1247 K. Bear Creek MPD's. The following transition provisions shall apply to the  
1248 Master Plan Development applications in the Bear Creek Community Plan (BCCP).

1249 1. An applicant may either continue to utilize the procedural provisions of the  
1250 BCCP or may utilize the procedural provisions of K.C.C. chapter 21A.39.

1251           2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-  
1252 Development Applications previously submitted for the Blakely Ridge MPD and the  
1253 Northridge MPD are deemed the equivalent of and accepted as complete applications for  
1254 "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

1255           3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix  
1256 conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area  
1257 Zoning (page 140) shall remain in effect for purposes of considering the UPD  
1258 applications, under either the BCCP or K.C.C. chapter 21A.39.

1259           4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or  
1260 multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone  
1261 and potential (~~((zone designations))~~) zoning classifications of the 1993 zoning code.

1262           5. The Novelty Hill Master Plan sites and urban designation adopted and  
1263 delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be  
1264 considered "UPD Special District Overlays" and "UPD boundary delineations" for  
1265 purposes of applying K.C.C. 21A.38.020, 21A.38.070B.1, and (~~((070B.))~~)2, and K.C.C.  
1266 21A.39.020.

1267           SECTION 16. Ordinance 10870, Section 21, and K.C.C. 21A.02.110 are hereby  
1268 amended to read as follows:

1269           A. Except when such areas are specifically (~~((designated))~~) classified on the zoning  
1270 map as being classified in one of the zones provided in this title, land contained in rights-  
1271 of-way for streets or alleys, or railroads shall be considered unclassified.

1272           B. Within street or alley rights-of-way, uses shall be limited to street purposes as  
1273 defined by law.

1274 C. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or  
 1275 other operating devices, movement of rolling stock, utility lines and equipment, and  
 1276 ~~((facilities accessory to and used directly for the delivery and distribution of services to~~  
 1277 ~~abutting property)) freight-rail dependent uses.~~

1278 D. Where such right-of-way is vacated, the vacated area shall have the ~~((zone))~~  
 1279 zoning classification of the adjoining property with which it is first merged.

1280 SECTION 17. Ordinance 10870, Section 22, as amended, and K.C.C.  
 1281 21A.04.010 are hereby amended to read as follows:

1282 In order to accomplish the purposes of this title the following zoning  
 1283 ~~((designations))~~ classifications and zoning map symbols are established:

<b>ZONING <del>((DESIGNATIONS))</del></b>	<b>MAP SYMBOL</b>
<b><u>CLASSIFICATIONS</u></b>	
Agricultural	A (10 -or 35 acre minimum lot size)
Forest	F
Mineral	M
Rural Area	RA (2.5-acre, 5-acre, 10-acre or 20-acre minimum lot size)
Urban Reserve	UR
Urban Residential	R (base density in dwellings per acre)
Neighborhood Business	NB
Community Business	CB
Regional Business	RB
Office	O



1292 amendments to this title.

1293 SECTION 19. Ordinance 10870, Section 28, as amended, and K.C.C.

1294 21A.04.070 are hereby amended to read as follows:

1295 A. The purposes of the urban reserve zone (UR) are to phase growth and demand  
1296 for urban services, and to reserve large tracts of land for possible future growth in  
1297 portions of King County designated by the Comprehensive Plan for future urban growth  
1298 while allowing reasonable interim uses of property; or to reflect designation by the  
1299 Comprehensive Plan of a property or area as part of the urban growth area when a  
1300 detailed plan for urban uses and densities has not been completed(~~(; or when the area has~~  
1301 ~~been designated as a site for a potential urban planned development or new fully~~  
1302 ~~contained community, as provided in K.C.C. 21A.38.070)). These purposes are  
1303 accomplished by:~~

- 1304 1. Allowing for rural, agricultural and other low-density uses;
- 1305 2. Allowing for limited residential growth, either contiguous to existing urban  
1306 public facilities, or at a density supportable by existing rural public service levels; and
- 1307 3. Requiring clustered residential developments where feasible, to prevent  
1308 establishment of uses and lot patterns which may foreclose future alternatives and impede  
1309 efficient later development at urban densities.

1310 B. Use of this zone is appropriate in urban areas, rural towns or in rural city  
1311 expansion areas designated by the Comprehensive Plan, when such areas do not have  
1312 adequate public facilities and services or are not yet needed to accommodate planned  
1313 growth, do not yet have detailed land use plans for urban uses and densities, or are

1314 designated as sites for a potential urban planned development or new fully contained  
1315 communities.

1316 SECTION 20. Ordinance 10870, Section 35, and K.C.C. 21A.04.140 are hereby  
1317 amended to read as follows:

1318 The purpose of the regional use (~~((designation))~~) classification (case file number  
1319 following underlying zone's map symbol) is to provide for individual review of certain  
1320 proposed uses with unique characteristics and adverse impacts on neighboring properties.  
1321 Regional uses are of a size and involve activities which require individual review to  
1322 determine compatibility with surrounding uses.

1323 SECTION 21. Ordinance 10870, Section 36, as amended, and K.C.C.  
1324 21A.04.150 are hereby amended to read as follows:

1325 The purpose of the property-specific development standards (~~((designation))~~)  
1326 classification (-P suffix to zone's map symbol) is to indicate that conditions beyond the  
1327 minimum requirements of this title have been applied to development on the property,  
1328 including but not limited to increased development standards, limits on permitted uses or  
1329 special conditions of approval. Property-specific development standards are adopted in  
1330 either a reclassification or area zoning ordinance and are shown in a geographic  
1331 information system data layer for an individual property maintained by the department.  
1332 Regardless of the form in which a property-specific development standard is adopted, the  
1333 P-suffix shall be shown on the official zoning map maintained by the department and as a  
1334 notation in a geographic information system data layer, which shall be updated as soon as  
1335 possible after the effective date of the adopting ordinance adopting a P-suffix standard.

1336 SECTION 22. Ordinance 10870, Section 37, as amended, and K.C.C.

1337 21A.04.160 are hereby amended to read as follows:

1338           The purpose of the special district overlay (~~((designation))~~ classification (-SO suffix  
1339 to zone's map symbol) is to carry out Comprehensive Plan and community, subarea or  
1340 neighborhood plan policies that identify special opportunities for achieving public benefits  
1341 by allowing or requiring alternative uses and development standards that differ from the  
1342 general provisions of this title. Special district overlays are generally applied to a group of  
1343 individual properties or entire community, subarea or neighborhood planning areas and are  
1344 (~~((designated))~~ classified primarily through the area zoning process. Regardless of the form  
1345 in which a special district overlay is adopted, the -SO suffix shall be shown on the official  
1346 zoning map maintained by the department and as a notation in a geographic information  
1347 system data layer, which shall be updated as soon as possible after the effective date of the  
1348 adopting ordinance adopting an overlay.

1349           SECTION 23. Ordinance 10870, Section 38, as amended, and K.C.C.

1350 21A.04.170 are hereby amended to read as follows:

1351           A. The purpose of the potential zone (dashed box surrounding zone's map symbol)  
1352 is to (~~((designate))~~ classify properties potentially suitable for future changes in land uses or  
1353 densities once additional infrastructure, project phasing or site-specific public review has  
1354 been accomplished. Potential zones are (~~((designated))~~ classified by either area zoning or  
1355 individual zone reclassification. Area zoning may (~~((designate))~~ classify more than one  
1356 potential zone on a single property if the community plan designates alternative uses for the  
1357 site. Potential zones are actualized in accordance with K.C.C. chapter 20.20.

1358           B. The use of a potential (~~((zone-designation))~~ zoning classification is appropriate  
1359 to:

- 1360 1. Phase development based on availability of public facilities and services or  
1361 infrastructure improvements, such as roads, utilities and schools;
- 1362 2. Prevent existing development from becoming a nonconforming use in areas  
1363 that are in transition from previous uses;
- 1364 3. Allow for future residential density increases consistent with a community  
1365 plan; and
- 1366 4. Provide for public review of proposed uses on sites where some permitted uses  
1367 in a ~~((zone designation))~~ zoning classification may not be appropriate.

1368 SECTION 24. Ordinance 10870, Section 39, and K.C.C. 21A.04.180 are hereby  
1369 amended to read as follows:

1370 The purpose of the interim ~~((zone designation))~~ zoning classification (\* suffix to  
1371 zone's map symbol) is to identify areas where zoning has been applied for a limited period  
1372 of time in order to preserve the county's planning options and to protect the public safety,  
1373 health and general welfare during an emergency or pending a community, comprehensive  
1374 or functional plan amendment process. Any of the zones set forth in this chapter, with or  
1375 without -P suffix conditions, may be applied as interim zones. The adopting ordinance  
1376 shall state the reasons for the interim zoning and provide for its expiration upon a certain  
1377 date or the adoption of a new plan, plan amendment or area zoning.

1378 SECTION 25. Ordinance 10870, Section 42, and K.C.C. 21A.06.010 are hereby  
1379 amended as follows:

1380 Accessory living quarters: living quarters in an accessory building for the use of  
1381 the occupant or persons employed on the premises, or for temporary use ~~((of))~~ by guests  
1382 of the occupant. Such quarters ~~((have no kitchen))~~ do not include an area for the

1383 preparation or storage of food and are not (~~otherwise~~) used as a separate dwelling unit.

1384 SECTION 26. Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015

1385 are hereby amended as follows:

1386 Accessory use, commercial/industrial: an accessory use to a commercial or

1387 industrial use, including, but not limited to:

1388 A. Administrative offices;

1389 B. Employee exercise facilities;

1390 C. Employee food service facilities;

1391 D. Incidental storage of raw materials and finished products sold or manufactured

1392 on-site;

1393 E. Business owner or caretaker residence;

1394 F. Cogeneration facilities; (~~and~~)

1395 G. Ground maintenance facilities; and

1396 H. Consumer-scale renewable energy systems.

1397 SECTION 27. Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020

1398 are hereby amended as follows:

1399 Accessory use, residential: an accessory use to a residential use, including, but

1400 not limited to:

1401 A. Accessory living quarters and dwellings;

1402 B. Fallout or bomb shelters;

1403 C. Keeping household pets or operating a hobby cattery or hobby kennel;

1404 D. On-site rental office;

1405 E. Pools, private docks or piers;

- 1406 F. Antennae for private telecommunication services;
- 1407 G. Storage of yard maintenance equipment;
- 1408 H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;
- 1409 I. Greenhouses;
- 1410 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas
- 1411 required under K.C.C. 21A.14.190; (~~and~~)
- 1412 K. Home occupations and home industries under K.C.C. chapter 21A.30; and
- 1413 L. Consumer-scale renewable energy systems.

1414 SECTION 28. Ordinance 10870, Section 45, as amended and K.C.C. 21A.06.025  
1415 are hereby amended as follows:

1416 Accessory use, resource: an accessory use to a resource use, including, but not  
1417 limited to:

- 1418 A. Housing of agricultural workers; (~~and~~)
- 1419 B. Storage of agricultural products or equipment used on site; and
- 1420 C. Consumer-scale renewable energy systems.

1421 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter 21A.06  
1422 a new section to read as follows:

1423 Consumer-scale renewable energy system: a facility that produces on-site energy  
1424 using renewable resources, such as solar, wind or geothermal, for the property on which  
1425 the facility is located. A consumer-scale renewable energy system does not include  
1426 energy generated at a scale for sale or donation to others, excluding net metering.

1427 SECTION 30. K.C.C. 21A.06.150, as amended by this ordinance, is hereby  
1428 recodified as a new section in K.C.C. chapter 21A.06.

1429            SECTION 31. Ordinance 11157, Section 29, and K.C.C. 21A.06.150 are hereby  
1430 amended to read as follows:

1431            (~~Bulk~~) Local distribution gas storage tank(s): (~~(A)~~) a tank from which  
1432 illuminating, heating, or liquefied gas is distributed by piping directly to individual users.  
1433 A local distribution gas storage tank is not a fossil fuel facility.

1434            SECTION 32. Ordinance 13319, Section 3, and K.C.C. 21A.06.197 are hereby  
1435 amended to read as follows:

1436            Coal mine by-products stockpile(s): an accumulation, greater than five hundred  
1437 cubic yards and five feet of vertical depth, of undisturbed waste and/or byproduct materials  
1438 having greater than fifty percent, as measured by weight, of (~~mineral~~) coal or coal shale  
1439 as a component and which resulted from historic coal mining.

1440            NEW SECTION. SECTION 33. There is hereby added to K.C.C. chapter 21A.06  
1441 a new section to read as follows:

1442            Fossil fuels: petroleum and petroleum products, coal and natural gas, such as  
1443 methane, propane and butane, derived from prehistoric organic matter and used to generate  
1444 energy. Fossil fuels do not include:

1445            A. Petrochemicals that are used primarily for non-fuel products, such as asphalt,  
1446 plastics, lubricants, fertilizer, roofing and paints;

1447            B. Fuel additives, such as denatured ethanol and similar fuel additives, or  
1448 renewable fuels, such as biodiesel or renewable diesel with less than five percent fossil  
1449 fuel content; or

1450            C. Methane generated from the waste management process, such as wastewater  
1451 treatment, anaerobic digesters, landfill waste management, livestock manure and

1452 composting processes.

1453 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter 21A.06

1454 a new section to read as follows:

1455 Fossil fuel facility: a commercial facility used primarily to receive, store, refine,  
1456 process, transfer, wholesale trade or transport fossil fuels, such as, but not limited to, bulk  
1457 terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel  
1458 facilities do not include: individual storage facilities of up to thirty thousand gallons and  
1459 total cumulative facilities per site of sixty thousand gallons for the purposes of retail or  
1460 direct-to-consumer sales, facilities or activities for local consumption; noncommercial  
1461 facilities, such as storage for educational, scientific or governmental use; or uses preempted  
1462 by federal rule or law.

1463 SECTION 35. Ordinance 10870, Section 201, and K.C.C. 21A.06.805 are hereby  
1464 amended to read as follows:

1465 Non-hydro((-))electric generation facility: an establishment for the generation of  
1466 electricity by nuclear reaction, burning fossil fuels((;)) or other electricity generation  
1467 methods, excluding renewable energy.

1468 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter

1469 21A.06 a new section to read as follows:

1470 Petroleum refining and related industries: uses in SIC Industry No. 2911,  
1471 excluding fossil fuel facilities.

1472 NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter

1473 21A.06 a new section to read as follows:

1474 Renewable energy generation facility: a solar energy system, including a

1475 community solar project, geothermal system or a wind generator, used for generating  
1476 electricity. Renewable energy generation facility does not include consumer-scale  
1477 renewable energy systems.

1478 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter  
1479 21A.06 a new section to read as follows:

1480 Sea level rise protection elevation: three feet above the base flood elevation  
1481 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,  
1482 2020, for the adjacent coastal high hazard area flood zone. The sea level rise protection  
1483 elevation only applies to Vashon-Maury Island.

1484 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter 21A.06  
1485 a new section to read as follows:

1486 Sea level rise risk area: lands on Vashon-Maury Island adjacent to a coastal high  
1487 hazard area that extend landward to an elevation three feet above the base flood elevation  
1488 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,  
1489 2020, for the adjacent coastal high hazard area flood zone.

1490 SECTION 40. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are  
1491 hereby amended to read as follows:

1492 Utility facility: a facility for the distribution or transmission of services, including:

1493 A. Telephone exchanges;

1494 B. Water pipelines, pumping or treatment stations;

1495 C. Electrical substations;

1496 D. Water storage reservoirs or tanks;

1497 E. Municipal groundwater well-fields;

1498 F. Regional surface water flow control and water quality facilities;

1499 G. Natural gas pipelines, gate stations and limiting stations, limited to local

1500 distribution service and excluding fossil fuel facilities;

1501 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving

1502 multiple lots or uses from which fuel is distributed directly to individual users, limited to

1503 local distribution service and excluding fossil fuel facilities;

1504 I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor

1505 control facilities; and

1506 J. Communication cables, electrical wires and associated structural supports.

1507 SECTION 41. Ordinance 10870, Section 315, and K.C.C. 21A.06.1375 are

1508 hereby amended to read as follows:

1509 Warehousing and wholesale trade: establishments involved in the storage and/or

1510 sale of bulk goods for resale or assembly, excluding establishments offering the sale of

1511 bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070

1512 and excluding local distribution gas storage tanks. These establishments shall include only

1513 SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423, excluding

1514 fossil fuels and fossil fuel facilities.

1515 SECTION 42. Ordinance 10870, Section 330, as amended, and K.C.C.

1516 21A.08.030 are hereby amended to read as follows:

1517 A. Residential land uses.

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

	<b>DWELLING UNITS, TYPES:</b>											
*	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						
	<b>GROUP RESIDENCES:</b>											
*	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	
	<b>ACCESSORY USES:</b>											
*	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						
	<b>TEMPORARY LODGING:</b>											
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		

1518

B. Development conditions.

1519

1. Except bed and breakfast guesthouses.

- 1520           2. In the forest production district, the following conditions apply:
- 1521           a. Site disturbance associated with development of any new residence shall be
- 1522 limited to three acres. Site disturbance shall mean all land alterations including, but not
- 1523 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
- 1524 disposal systems and driveways. Additional site disturbance for agriculture, including
- 1525 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
- 1526 approved only if a farm management plan is prepared in accordance with K.C.C. chapter
- 1527 21A.30. Animal densities shall be based on the area devoted to animal care and not the
- 1528 total area of the lot;
- 1529           b. A forest management plan shall be required for any new residence in the
- 1530 forest production district, that shall be reviewed and approved by the King County
- 1531 department of natural resources and parks before building permit issuance; and
- 1532           c. The forest management plan shall incorporate a fire protection element that
- 1533 includes fire safety best management practices developed by the department.
- 1534           3. Only as part of a mixed use development subject to the conditions of K.C.C.
- 1535 chapter 21A.14, except that in the NB zone on properties with a land use designation of
- 1536 commercial outside of center (CO) in the urban areas, stand-alone townhouse
- 1537 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
- 1538 21A.14.180.
- 1539           4. Only in a building listed on the National Register as an historic site or
- 1540 designated as a King County landmark subject to K.C.C. chapter 21A.32.
- 1541           5.a. In the R-1 zone, apartment units are permitted, if:
- 1542           (1) At least fifty percent of the site is constrained by unbuildable critical

1543 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,  
1544 aquatic areas and slopes forty percent or steeper and associated buffers; and

1545 (2) The density does not exceed a density of eighteen units per acre of net  
1546 buildable area.

1547 b. In the R-4 through R-8 zones, apartment units are permitted if the density  
1548 does not exceed a density of eighteen units per acre of net buildable area.

1549 c. If the proposal will exceed base density for the zone in which it is proposed,  
1550 a conditional use permit is required.

1551 6. Only as accessory to a school, college, university or church.

1552 7.a. Accessory dwelling units are subject to the following standards:

1553 (1) Only one accessory dwelling per primary single detached dwelling or  
1554 townhouse unit;

1555 (2) Only allowed in the same building as the primary dwelling unit (~~(( $\otimes$ ))~~),  
1556 except that detached accessory dwelling units are allowed when there is no more than one  
1557 primary dwelling unit on the lot, and the following conditions are met:

1558 (a) (~~((an urban lot that is less than five thousand square feet in area))~~) the lot  
1559 must be three thousand two hundred square feet or greater if located in the urban area or a  
1560 rural town; or

1561 (b) (~~((except as otherwise provided in subsection B.7.a.(5) of this section, a~~  
1562 ~~rural lot that is less than the minimum lot size; or~~

1563 ~~e. a lot containing more than one primary dwelling))~~ the lot must meet the  
1564 minimum lot area for the applicable zone if located in the rural area but not in a rural  
1565 town, except that if one transferable development right is purchased from the Rural Area

1566 or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling  
1567 unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;

1568 (3) ~~((The primary dwelling unit or the accessory dwelling unit shall be owner~~  
1569 ~~occupied;~~

1570 ~~(4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section,~~  
1571 ~~one of t))~~The accessory dwelling unit(s) shall not exceed one thousand square feet of  
1572 heated floor area and one thousand square feet of unheated floor area except;

1573 (a) ~~when ((one of))~~ the accessory dwelling unit(s) is wholly contained  
1574 within a basement or attic, this limitation does not apply; ((and))

1575 (b) ~~((When the primary and accessory dwelling units are located in the same~~  
1576 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~  
1577 ~~entrance may be located on each street;~~

1578 ~~(5) On))~~ for detached accessory dwelling units, the floor area contained in a  
1579 basement does not count toward the floor area maximum; or

1580 (c) on a site zoned RA((:

1581 ~~(a) If))~~ if one transferable development right is purchased from the Rural Area  
1582 or Natural Resource Lands under K.C.C. chapter 21A.37, the ((smaller of the)) accessory  
1583 dwelling unit(s) is permitted a maximum heated floor area ((up to)) of one thousand  
1584 five hundred square feet and one thousand five hundred square feet of unheated floor  
1585 area; ((and

1586 ~~(b) If one transferable development right is purchased from the Rural Area~~  
1587 ~~or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling~~  
1588 ~~unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than~~

1589 ~~three and three-quarters acres;~~  
1590 ~~(6) One additional off-street parking space shall be provided;))~~  
1591 (4) Accessory dwelling units that are not wholly contained within an existing  
1592 dwelling unit shall not exceed the base height established in 21A.12.030;  
1593 (5) When the primary and accessory dwelling units are located in the same  
1594 building, or in multiple buildings connected by a breezeway or other structure, only one  
1595 entrance may front a street;  
1596 (6) No additional off-street parking spaces are required for accessory  
1597 dwelling units;  
1598 (7) The primary dwelling unit or the accessory dwelling unit shall be  
1599 occupied either by the owner of the primary dwelling unit or by an immediate family  
1600 member of the owner. Immediate family members are limited to spouses, siblings,  
1601 parents, grandparents, children and grandchildren, either by blood, adoption or marriage,  
1602 of the owner. The accessory dwelling unit shall be converted to another permitted use or  
1603 shall be removed if ((one of the)) neither dwelling unit((s ceases to be owner)) is  
1604 occupied by the owner or an immediate family member; ((and))  
1605 (8) An applicant seeking to build an accessory dwelling unit shall file a notice  
1606 approved by the department of executive services, records and licensing services  
1607 division, that identifies the dwelling unit as accessory. The notice shall run with the land.  
1608 The applicant shall submit proof that the notice was filed before the department ((shall))  
1609 approves any permit for the construction of the accessory dwelling unit. The required  
1610 contents and form of the notice shall be set forth in administrative rules((-If an accessory  
1611 dwelling unit in a detached building in the rural zone is subsequently converted to a

1612 ~~primary unit on a separate lot, neither the original lot nor the new lot may have an~~  
1613 ~~additional detached accessory dwelling unit constructed unless the lot is at least twice the~~  
1614 ~~minimum lot area required in the zone)); and~~

1615 (9) Accessory dwelling units (~~and accessory living quarters~~) are not allowed  
1616 in the F zone.

1617 b. Accessory living quarters:

1618 (1) are limited to one per lot;

1619 (2) are allowed only on lots of three thousand two hundred square feet or  
1620 greater when located in the urban area or a rural town;

1621 (3) shall not exceed the base height as established in K.C.C. 21A.12.030;

1622 (4) shall not exceed one thousand square feet of heated floor area and one  
1623 thousand square feet of unheated floor area; and

1624 (5) are not allowed in the F zone.

1625 c. One single or twin engine, noncommercial aircraft shall be permitted only  
1626 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody  
1627 or landing field, but only if there are:

1628 (1) no aircraft sales, service, repair, charter or rental; and

1629 (2) no storage of aviation fuel except that contained in the tank or tanks of the  
1630 aircraft.

1631 ~~((e.))~~ d. Buildings for residential accessory uses in the RA and A zone shall not  
1632 exceed five thousand square feet of gross floor area, except for buildings related to  
1633 agriculture or forestry.

1634 8. Mobile home parks shall not be permitted in the R-1 zones.

- 1635 9. Only as accessory to the permanent residence of the operator, and:  
1636 a. Serving meals shall be limited to paying guests; and  
1637 b. The number of persons accommodated per night shall not exceed five,  
1638 except that a structure that satisfies the standards of the International Building Code as  
1639 adopted by King County for R-1 occupancies may accommodate up to ten persons per  
1640 night.
- 1641 10. Only if part of a mixed use development, and subject to the conditions of  
1642 subsection B.9. of this section.
- 1643 11. Townhouses are permitted, but shall be subject to a conditional use permit if  
1644 exceeding base density.
- 1645 12. Required before approving more than one dwelling on individual lots,  
1646 except on lots in subdivisions, short subdivisions or binding site plans approved for  
1647 multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.  
1648 of this section.
- 1649 13. No new mobile home parks are allowed in a rural zone.
- 1650 14.a. Limited to domestic violence shelter facilities.  
1651 b. Limited to domestic violence shelter facilities with no more than eighteen  
1652 residents or staff.
- 1653 15. Only in the R4-R8 zones (~~(limited to)~~) subject to the following standards:  
1654 a. ~~((developments no larger than one acre;~~  
1655 ~~b. not adjacent to another cottage housing development such that the total~~  
1656 ~~combined land area of the cottage housing developments exceeds one acre;~~  
1657 ~~e. All units must be)) Developments shall contain only cottage housing units~~

1658 with no ((less)) fewer than three units ((and no more than sixteen units, provided that if)).

1659 If the site contains an existing home that is not being demolished, the existing house is  
1660 not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the floor  
1661 area and footprint limits in K.C.C. 21A.14.025.B.;

1662 b. Cottage housing developments should consider including a variety of  
1663 housing sizes, such as units with a range of bedroom sizes or total floor area; and

1664 ((d-)) c. Before filing an application with the department, the applicant shall  
1665 hold a community meeting in accordance with K.C.C. 20.20.035.

1666 16. The development for a detached single-family residence shall be consistent  
1667 with the following:

1668 a. The lot must have legally existed before March 1, 2005;

1669 b. The lot has a Comprehensive Plan land use designation of Rural  
1670 Neighborhood Commercial Center or Rural Area; and

1671 c. The standards of this title for the RA-5 zone shall apply.

1672 17. Only in the R-1 zone as an accessory to a golf facility and consistent with  
1673 K.C.C. 21A.08.040.

1674 18. Allowed if consistent with K.C.C. chapter 21A.30.

1675 SECTION 43. Ordinance 10870, Section 333, as amended, and K.C.C.  
1676 21A.08.060 are hereby amended to read as follows:

1677 A. Government/business services land uses.

P-Permitted Use		RESOURCE			RU	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
C-Conditional Use					RA								
S-Special Use					L								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (30)

	<b>GOVERNMENT SERVICES:</b>												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	<b>BUSINESS SERVICES:</b>												
*	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, (I) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221	Farm Product												P

4222	Warehousing, Refrigeration and Storage (38)												
*	Log Storage (38)		P		P26 and 33								P
47	Transportation Service												P39
473	Freight and Cargo Service									P	P	P	
472	Passenger Transportation Service								P	P	P		
48	Communication Offices									P	P	P	
482	Telegraph and other Communications								P	P	P	P	
*	General Business Service							P	P	P	P	P	P16
*	Professional Office							P	P	P	P	P	P16
7312	Outdoor Advertising Service									P	P17	P	
735	Miscellaneous Equipment Rental								P17	P	P17	P	
751	Automotive Rental and Leasing								P	P			P
752	Automotive Parking							P20a	P20b	P21	P20 a	P	
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters									P	P		
873	Research, Development and Testing									P2	P2	P2	
*	Heavy Equipment and Truck Repair												P
	<b>ACCESSORY USES:</b>												
*	Commercial/Industrial		P	P22				P22	P22	P	P	P	

	Accessory Uses												
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24
							3						

- 1678 B. Development conditions.
- 1679 1. Except self-service storage.
- 1680 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 1681 Educational Research, see general business service/office.
- 1682 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 1683 subject to K.C.C. chapter 21A.32; or
- 1684 b. only when accessory to a fire facility and the office is no greater than one
- 1685 thousand five hundred square feet of floor area.
- 1686 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 1687 21A.32.
- 1688 5. New utility office locations only if there is no commercial/industrial zoning
- 1689 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 1690 no feasible alternative location is possible, and provided further that this condition
- 1691 applies to the UR zone only if the property is located within a designated unincorporated
- 1692 Rural Town.
- 1693 6.a. All buildings and structures shall maintain a minimum distance of twenty
- 1694 feet from property lines adjoining rural area and residential zones;
- 1695 b. Any buildings from which fire-fighting equipment emerges onto a street
- 1696 shall maintain a distance of thirty-five feet from such street;
- 1697 c. No outdoor storage; and
- 1698 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no

- 1699 feasible alternative location is possible.
- 1700 7. Limited to storefront police offices. Such offices shall not have:
- 1701 a. holding cells;
- 1702 b. suspect interview rooms (except in the NB zone); or
- 1703 c. long-term storage of stolen properties.
- 1704 8. Private stormwater management facilities serving development proposals
- 1705 located on commercial/industrial zoned lands shall also be located on
- 1706 commercial/industrial lands, unless participating in an approved shared facility drainage
- 1707 plan. Such facilities serving development within an area designated urban in the King
- 1708 County Comprehensive Plan shall only be located in the urban area.
- 1709 9. No outdoor storage of materials.
- 1710 10. Limited to office uses.
- 1711 11. Limited to self-service household moving truck or trailer rental accessory to
- 1712 a gasoline service station.
- 1713 12. Limited to self-service household moving truck or trailer rental accessory to
- 1714 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
- 1715 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
- 1716 14. Accessory to an apartment development of at least twelve units provided:
- 1717 a. The gross floor area in self service storage shall not exceed the total gross
- 1718 floor area of the apartment dwellings on the site;
- 1719 b. All outdoor lights shall be deflected, shaded and focused away from all
- 1720 adjoining property;
- 1721 c. The use of the facility shall be limited to dead storage of household goods;

1722 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or  
1723 similar equipment;

1724 e. No outdoor storage or storage of flammable liquids, highly combustible or  
1725 explosive materials or hazardous chemicals;

1726 f. No residential occupancy of the storage units;

1727 g. No business activity other than the rental of storage units; and

1728 h. A resident director shall be required on the site and shall be responsible for  
1729 maintaining the operation of the facility in conformance with the conditions of approval.

1730 i. Before filing an application with the department, the applicant shall hold a  
1731 community meeting in accordance with K.C.C. 20.20.035.

1732 15. Repealed.

1733 16. Only as an accessory use to another permitted use.

1734 17. No outdoor storage.

1735 18. Only as an accessory use to a public agency or utility yard, or to a transfer  
1736 station.

1737 19. Limited to new commuter parking lots designed for thirty or fewer parking  
1738 spaces or commuter parking lots located on existing parking lots for churches, schools, or  
1739 other permitted nonresidential uses that have excess capacity available during  
1740 commuting; provided that the new or existing lot is adjacent to a designated arterial that  
1741 has been improved to a standard acceptable to the department of local services;

1742 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,  
1743 and

1744 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall

1745 be:

1746 (1) permitted only on parcels located within Vashon Town Center;

1747 (2) accessory to a gas or automotive service use; and

1748 (3) limited to no more than ten vehicles.

1749 21. No dismantling or salvage of damaged, abandoned or otherwise impounded  
1750 vehicles.

1751 22. Storage limited to accessory storage of commodities sold at retail on the  
1752 premises or materials used in the fabrication of commodities sold on the premises.

1753 23. Limited to emergency medical evacuation sites in conjunction with police,  
1754 fire or health service facility. Helistops are prohibited from the UR zone only if the  
1755 property is located within a designated unincorporated Rural Town.

1756 24. Allowed as accessory to an allowed use.

1757 25. Limited to private road ambulance services with no outside storage of  
1758 vehicles.

1759 26. Limited to two acres or less.

1760 27a. Utility yards only on sites with utility district offices; or

1761 b. Public agency yards are limited to material storage for road maintenance  
1762 facilities.

1763 28. Limited to (~~bulk~~) local distribution gas storage tanks that pipe to individual  
1764 residences but excluding liquefied natural gas storage tanks.

1765 29. Excluding (~~bulk~~) local distribution gas storage tanks.

1766 30. For I-zoned sites located outside the urban growth area designated by the  
1767 King County Comprehensive Plan, uses shall be subject to the provisions for rural

1768 industrial uses in K.C.C. chapter 21A.12.

1769           31. Vactor waste treatment, storage and disposal shall be limited to liquid  
1770 materials. Materials shall be disposed of directly into a sewer system, or shall be stored  
1771 in tanks (or other covered structures), as well as enclosed buildings.

1772           32. Provided:

1773           a. Off-street required parking for a land use located in the urban area must be  
1774 located in the urban area;

1775           b. Off-street required parking for a land use located in the rural area must be  
1776 located in the rural area; and

1777           c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street  
1778 required parking must be located on a lot that would permit, either outright or through a  
1779 land use permit approval process, the land use the off-street parking will serve.

1780           (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to  
1781 be located on a site in the NB zone, off-street required parking may be located on a site  
1782 within three hundred feet of the social service agency, regardless of zoning classification  
1783 of the site on which the parking is located.

1784           33. Subject to review and approval of conditions to comply with trail corridor  
1785 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1786           34. Limited to landscape and horticultural services (SIC 078) that are accessory  
1787 to a retail nursery, garden center and farm supply store. Construction equipment for the  
1788 accessory use shall not be stored on the premises.

1789           35. Allowed as a primary or accessory use to an allowed industrial-zoned land  
1790 use.

1791           36. Repealed.

1792           37. Use shall be limited to the NB zone on parcels outside of the Urban Growth

1793 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such

1794 use shall not exceed ten thousand square feet.

1795           38. If the farm product warehousing, refrigeration and storage, or log storage, is

1796 associated with agriculture activities it will be reviewed in accordance with K.C.C.

1797 21A.08.090.

1798           39. Excluding fossil fuel facilities.

1799           SECTION 44. Ordinance 10870, Section 334, as amended, and K.C.C.

1800 21A.08.070 are hereby amended to read as follows:

1801           A. Retail land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety						C14a	P14	P5	P	P		

	Stores												
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
(( <del>5</del>	<del>Remote Tasting Room</del>				<del>P13</del>					<del>P7</del>	<del>P7</del>		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		
592	Liquor Stores	<u>P13</u>			<u>P13</u>	<u>P13</u>			<u>P13</u>	P	P		
593	Used Goods: Antiques/ Secondhand									P	P		

	Shops												
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales (28)												P

1802 B. Development conditions.

1803 1.a. As a permitted use, covered sales areas shall not exceed a total area of two

1804 thousand square feet, unless located in a building designated as historic resource under

1805 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three  
1806 thousand five hundred square feet may be allowed. Greenhouses used for the display of  
1807 merchandise other than plants shall be considered part of the covered sales area.

1808 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not  
1809 considered part of the covered sales area;

1810           b. The site area shall be at least four and one-half acres;

1811           c. Sales may include locally made arts and crafts; and

1812           d. Outside lighting is permitted if no off-site glare is allowed.

1813           2. Only hardware stores.

1814           3.a. Limited to products grown on site.

1815           b. Covered sales areas shall not exceed a total area of five hundred square feet.

1816           4. No permanent structures or signs.

1817           5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a  
1818 maximum of two thousand square feet of gross floor area.

1819           6. Limited to a maximum of five thousand square feet of gross floor area.

1820           7. ~~((Off street parking is limited to a maximum of one space per fifty square feet~~  
1821 ~~of tasting and retail areas))~~ Repealed.

1822           8. Excluding retail sale of trucks exceeding one-ton capacity.

1823           9. Only the sale of new or reconditioned automobile supplies is permitted.

1824           10. Excluding SIC Industry No. 5813-Drinking Places.

1825           11. No outside storage of fuel trucks and equipment.

1826           12. Excluding vehicle and livestock auctions.

1827 13. (~~Permitted as part of the demonstration project authorized by K.C.C.~~  
1828 ~~21A.55.110~~) Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,  
1829 and limited to sales of products produced on site and incidental items where the majority  
1830 of sales are generated from products produced on site.

1831 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to  
1832 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.  
1833 21A.12.230; and

1834 b. Before filing an application with the department, the applicant shall hold a  
1835 community meeting in accordance with K.C.C. 20.20.035.

1836 15.a. Not permitted in R-1 and limited to a maximum of five thousand square  
1837 feet of gross floor area and subject to K.C.C. 21A.12.230; and

1838 b. Before filing an application with the department, the applicant shall hold a  
1839 community meeting in accordance with K.C.C. 20.20.035.

1840 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking  
1841 Places, and limited to a maximum of five thousand square feet of gross floor area and  
1842 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

1843 b. Before filing an application with the department, the applicant shall hold a  
1844 community meeting in accordance with K.C.C. 20.20.035.

1845 17. Repealed.

1846 18. Repealed.

1847 19. Only as:

1848 a. an accessory use to a permitted manufacturing or retail land use, limited to  
1849 espresso stands to include sales of beverages and incidental food items, and not to include  
1850 drive-through sales; or

1851 b. an accessory use to a recreation or multiuse park, limited to a total floor area  
1852 of three thousand five hundred square feet.

1853 20. Only as:

1854 a. an accessory use to a recreation or multiuse park; or

1855 b. an accessory use to a park and limited to a total floor area of one thousand  
1856 five hundred square feet.

1857 21. Accessory to a park, limited to a total floor area of seven hundred fifty  
1858 square feet.

1859 22. Only as an accessory use to:

1860 a. a large active recreation and multiuse park in the urban growth area; or

1861 b. a park, or a recreation or multiuse park in the RA zones, and limited to a  
1862 total floor area of seven hundred and fifty square feet.

1863 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC  
1864 Industry No. 2431-Millwork and;

1865 a. limited to lumber milled on site; and

1866 b. the covered sales area is limited to two thousand square feet. The covered  
1867 sales area does not include covered areas used to display only milled lumber.

1868 24. Requires at least five farmers selling their own products at each market and  
1869 the annual value of sales by farmers should exceed the annual sales value of nonfarmer  
1870 vendors.

1871           25. Limited to sites located within the urban growth area and:

1872           a. The sales area shall be limited to three hundred square feet and must be  
1873 removed each evening;

1874           b. There must be legal parking that is easily available for customers; and

1875           c. The site must be in an area that is easily accessible to the public, will  
1876 accommodate multiple shoppers at one time and does not infringe on neighboring  
1877 properties.

1878           26.a. Per lot, limited to a maximum aggregated total of two thousand square feet  
1879 of gross floor area devoted to, and in support of, the retail sale of marijuana.

1880           b. Notwithstanding subsection B.26.a. of this section, the maximum  
1881 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana  
1882 may be increased to up to three thousand square feet if the retail outlet devotes at least  
1883 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and  
1884 the operator maintains a current medical marijuana endorsement issued by the  
1885 Washington state Liquor and Cannabis Board.

1886           c. Any lot line of a lot having any area devoted to retail marijuana activity  
1887 must be one thousand feet or more from any lot line of any other lot having any area  
1888 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new  
1889 retail marijuana activity may not be within one thousand feet of any lot line of any lot  
1890 having any area devoted to existing retail marijuana activity.

1891           d. Whether a new retail marijuana activity complies with this locational  
1892 requirement shall be determined based on the date a conditional use permit application

1893 submitted to the department of local services, permitting division, became or was deemed  
1894 complete, and:

1895 (1) if a complete conditional use permit application for the proposed retail  
1896 marijuana use was not submitted, or if more than one conditional use permit application  
1897 became or was deemed complete on the same date, then the director shall determine  
1898 compliance based on the date the Washington state Liquor and Cannabis Board issues a  
1899 Notice of Marijuana Application to King County;

1900 (2) if the Washington state Liquor and Cannabis Board issues more than one  
1901 Notice of Marijuana Application on the same date, then the director shall determine  
1902 compliance based on the date either any complete building permit or change of use  
1903 permit application, or both, were submitted to the department declaring retail marijuana  
1904 activity as an intended use;

1905 (3) if more than one building permit or change of use permit application was  
1906 submitted on the same date, or if no building permit or change of use permit application  
1907 was submitted, then the director shall determine compliance based on the date a complete  
1908 business license application was submitted; and

1909 (4) if a business license application was not submitted or more than one  
1910 business license application was submitted, then the director shall determine compliance  
1911 based on the totality of the circumstances, including, but not limited to, the date that a  
1912 retail marijuana license application was submitted to the Washington state Liquor and  
1913 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease  
1914 or purchased the lot at issue for the purpose of retail marijuana use and any other facts

1915 illustrating the timing of substantial investment in establishing a licensed retail marijuana  
1916 use at the proposed location.

1917 e. Retail marijuana businesses licensed by the Washington state Liquor and  
1918 Cannabis Board and operating within one thousand feet of each other as of August 14,  
1919 2016, and retail marijuana businesses that do not require a permit issued by King County,  
1920 that received a Washington state Liquor and Cannabis Board license to operate in a  
1921 location within one thousand feet of another licensed retail marijuana business prior to  
1922 August 14, 2016, and that King County did not object to within the Washington state  
1923 Liquor and Cannabis Board marijuana license application process, shall be considered  
1924 nonconforming and may remain in their current location, subject to the provisions of  
1925 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

1926 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;  
1927 and

1928 (2) the gross floor area of a nonconforming retail outlet may be increased up to  
1929 the limitations in subsection B.26.a. and B.26.b. of this section.

1930 27. Per lot, limited to a maximum aggregated total of five thousand square feet  
1931 gross floor area devoted to, and in support of, the retail sale of marijuana, and;

1932 a. Any lot line of a lot having any area devoted to retail marijuana activity must  
1933 be one thousand feet or more from any lot line of any other lot having any area devoted to  
1934 retail marijuana activity; and any lot line of a lot having any area devoted to new retail  
1935 marijuana activity may not be within one thousand feet of any lot line of any lot having any  
1936 area devoted to existing retail marijuana activity; and

1937                    b. Whether a new retail marijuana activity complies with this locational  
1938 requirement shall be determined based on the date a conditional use permit application  
1939 submitted to the department of local services, permitting division, became or was deemed  
1940 complete, and:

1941                    (1) if a complete conditional use permit application for the proposed retail  
1942 marijuana use was not submitted, or if more than one conditional use permit application  
1943 became or was deemed complete on the same date, then the director shall determine  
1944 compliance based on the date the Washington state Liquor and Cannabis Board issues a  
1945 Notice of Marijuana Application to King County;

1946                    (2) if the Washington state Liquor and Cannabis Board issues more than one  
1947 Notice of Marijuana Application on the same date, then the director shall determine  
1948 compliance based on the date either any complete building permit or change of use permit  
1949 application, or both, were submitted to the department declaring retail marijuana activity as  
1950 an intended use;

1951                    (3) if more than one building permit or change of use permit application was  
1952 submitted on the same date, or if no building permit or change of use permit application  
1953 was submitted, then the director shall determine compliance based on the date a complete  
1954 business license application was submitted; and

1955                    (4) if a business license application was not submitted or more than one  
1956 business license application was submitted, then the director shall determine compliance  
1957 based on the totality of the circumstances, including, but not limited to, the date that a retail  
1958 marijuana license application was submitted to the Washington state Liquor and Cannabis  
1959 Board identifying the lot at issue, the date that the applicant entered into a lease or

1960 purchased the lot at issue for the purpose of retail marijuana use, and any other facts  
 1961 illustrating the timing of substantial investment in establishing a licensed retail marijuana  
 1962 use at the proposed location; and

1963 c. Retail marijuana businesses licensed by the Washington state Liquor and  
 1964 Cannabis Board and operating within one thousand feet of each other as of August 14,  
 1965 2016, and retail marijuana businesses that do not require a permit issued by King County,  
 1966 that received a Washington state Liquor and Cannabis Board license to operate in a  
 1967 location within one thousand feet of another licensed retail marijuana business prior to  
 1968 August 14, 2016, and that King County did not object to within the Washington state  
 1969 Liquor and Cannabis Board marijuana license application process, shall be considered  
 1970 nonconforming and may remain in their current location, subject to the provisions of  
 1971 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

1972 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;  
 1973 and

1974 (2) the gross floor area of a nonconforming retail outlet may be increased up to  
 1975 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

1976 28. If the agricultural product sales or livestock sales is associated with  
 1977 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

1978 SECTION 45. Ordinance 10870, Section 335, as amended, and K.C.C.  
 1979 21A.08.080 are hereby amended to read as follows:

1980 A. Manufacturing land uses.

P-Permitted Use	RESOURCE	RURAL	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
C-Conditional Use				
S-Special Use				

SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
(( <del>*</del>	<del>Winery/Brewery</del> <del>/Distillery Facility I</del>				<del>P32</del>								
<del>*</del>	<del>Winery/Brewery</del> <del>/Distillery Facility II</del>	<del>P3</del>			<del>P3</del> <del>C30</del>				<del>P17</del>	<del>P17</del>	<del>P29</del>		<del>P31</del>
<del>*</del>	<del>Winery/Brewery</del> <del>/Distillery Facility III</del>	<del>C12</del>			<del>C12</del>				<del>C29</del>	<del>C29</del>	<del>C29</del>		<del>C31))</del>
<del>*/2082</del> <del>/2085</del>	<del>Winery/Brewery</del> <del>/Distillery</del>	<del>P3</del> <del>C12</del>			<del>P3</del> <del>C12</del>	<del>P3</del>			<del>P17</del>	<del>P17</del>	<del>P</del>		<del>P</del>
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												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

1981

B. Development conditions.

1982

1. Repealed.

1983                    2. Except slaughterhouses.

1984                    3. ~~(a. In the A zone, only allowed on sites where the primary use is SIC Industry~~

1985 ~~Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small~~

1986 ~~Animals;~~

1987                    b. ~~Only allowed on lots of at least two and one-half acres, except that this~~

1988 ~~requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery~~

1989 ~~business locations in use and licensed to produce by the Washington state Liquor and~~

1990 ~~Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a~~

1991 ~~building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots~~

1992 ~~of at least two acres;~~

1993                    e. ~~The aggregated floor area of structures and areas for winery, brewery,~~

1994 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~

1995 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~

1996 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~

1997 ~~winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the~~

1998 ~~RA zone and five thousand square feet in the A zone. Decks that are not occupied and~~

1999 ~~not open to the public are excluded from the calculation for maximum aggregated floor~~

2000 ~~area;~~

2001                    d. ~~Structures and parking areas for winery, brewery, distillery facility uses~~

2002 ~~shall maintain a minimum distance of seventy-five feet from interior property lines~~

2003 ~~adjoining rural area and residential zones, unless located in a building designated as~~

2004 ~~historic resource under K.C.C. chapter 20.62, except that on Vashon-Maury Island this~~

2005 ~~setback requirement shall not apply to structures and parking areas in use on December 4,~~

2006 2019, by existing winery, brewery or distillery business locations licensed to produce by  
2007 the Washington state Liquor and Cannabis Board before January 1, 2019;

2008 e. ~~In the A zone, sixty percent or more of the products processed must be~~  
2009 ~~grown on site. At the time of the initial application under K.C.C. chapter 6.74, the~~  
2010 ~~applicant shall submit a projection of the source of products to be produced;~~

2011 f. ~~At least two stages of production of wine, beer, cider or distilled spirits, such~~  
2012 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~  
2013 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~  
2014 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~  
2015 ~~or distilling;~~

2016 g. ~~In the A zone, structures and area for non-agricultural winery, brewery,~~  
2017 ~~distillery facility uses shall be located on portions of agricultural lands that are unsuitable~~  
2018 ~~for agricultural purposes, such as areas within the already developed portion of such~~  
2019 ~~agricultural lands that are not available for direct agricultural production, or areas without~~  
2020 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~  
2021 ~~a nonagricultural accessory use;~~

2022 h. ~~Tasting and retail sales of products produced on-site may occur only as~~  
2023 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~  
2024 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~  
2025 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~  
2026 ~~in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation~~  
2027 ~~on tasting and retail sales of products produced on-site shall not apply on Vashon Maury~~  
2028 ~~Island to winery, brewery, or distillery business locations in use and licensed to produce~~

2029 by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites  
2030 in the RA zone that contain a building designated as historic resource under K.C.C.  
2031 chapter 20.62. Incidental retail sales of merchandise related to the products produced on-  
2032 site is allowed subject to the restrictions described in this subsection B.3. Hours of  
2033 operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,  
2034 Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through  
2035 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to  
2036 11:00 a.m. through 9:00 p.m.;

2037 i. ~~Access to the site shall be directly to and from an arterial roadway, except~~  
2038 ~~that this requirement shall not apply on Vashon Maury Island to winery, brewery,~~  
2039 ~~distillery facility business locations in use and licensed to produce by the Washington~~  
2040 ~~state Liquor and Cannabis Board before January 1, 2019;~~

2041 j. ~~Off-street parking is limited to a maximum of one hundred fifty percent of~~  
2042 ~~the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

2043 k. ~~The business operator shall obtain an adult beverage business license in~~  
2044 ~~accordance with K.C.C. chapter 6.74;~~

2045 l. ~~Events may be allowed with an approved temporary use permit under K.C.C.~~  
2046 ~~chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and~~

2047 m. ~~The impervious surface associated with the winery, brewery, distillery~~  
2048 ~~facility use shall not exceed twenty-five percent of the site, or the maximum impervious~~  
2049 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~

2050 ~~whichever is less)) a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and~~  
2051 ~~SIC Industry No. 2085-Distilled and Blended Liquors;~~

2052                    b. In the A zone, only allowed on sites where the primary use is SIC Industry  
2053 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small  
2054 Animals;

2055                    c. In the RA and UR zones, only allowed on lots of at least four and one-half  
2056 acres;

2057                    d. The floor area devoted to all processing shall not exceed three thousand five  
2058 hundred square feet, unless located in a building designated as historic resource under  
2059 K.C.C. chapter 20.62;

2060                    e. Structures and areas used for processing shall maintain a minimum distance  
2061 of seventy-five feet from property lines adjoining rural area and residential zones, unless  
2062 located in a building designated as historic resource under K.C.C. chapter 20.62;

2063                    f. Sixty percent or more of the products processed must be grown in the Puget  
2064 Sound counties. At the time of the initial application, the applicant shall submit a  
2065 projection of the source of products to be produced; and

2066                    g. Tasting of products produced on site may be provided in accordance with  
2067 state law. The area devoted to tasting shall be included in the floor area limitation in  
2068 subsection B.3.c. of this section.

2069                    4. Limited to rough milling and planing of products grown on-site with portable  
2070 equipment.

2071                    5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.  
2072 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the  
2073 minimum site area is four and one-half acres.

2074 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and  
2075 No. 2431-Millwork, (excluding planing mills).

2076 7. Limited to photocopying and printing services offered to the general public.

2077 8. Only within enclosed buildings, and as an accessory use to retail sales.

2078 9. Only within enclosed buildings.

2079 10. Limited to boat building of craft not exceeding forty-eight feet in length.

2080 11. For I-zoned sites located outside the urban growth area designated by the  
2081 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.  
2082 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for  
2083 rural industrial uses as set forth in K.C.C. chapter 21A.12.

2084 12.a. ~~((In the A zone, only allowed on sites where the primary use is SIC  
2085 Industry Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and  
2086 Small Animals;~~

2087 ~~b. The aggregated floor area of structures and areas for winery, brewery,  
2088 distillery facility uses shall not exceed a total of eight thousand square feet. Decks that  
2089 are not occupied and not open to the public are excluded from the calculation for  
2090 maximum aggregated floor area;~~

2091 ~~c. Only allowed on lots of at least four and one half acres. If the aggregated  
2092 floor area of structures for winery, brewery, distillery uses exceeds six thousand square  
2093 feet, the minimum site area shall be ten acres;~~

2094 ~~d. Wineries, breweries and distilleries shall comply with Washington state  
2095 Department of Ecology and King County board of health regulations for water usage and  
2096 wastewater disposal, and must connect to an existing Group A water system. The~~

2097 definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and  
2098 provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

2099 e. ~~Structures and parking areas for winery, brewery distillery facility uses shall~~  
2100 ~~maintain a minimum distance of seventy five feet from interior property lines adjoining~~  
2101 ~~rural area and residential zones, unless located in a building designated as historic~~  
2102 ~~resource under K.C.C. chapter 20.62;~~

2103 f. ~~In the A Zone, sixty percent or more of the products processed must be~~  
2104 ~~grown on site. At the time of the initial application under K.C.C. chapter 6.74, the~~  
2105 ~~applicant shall submit a projection of the source of products to be processed;~~

2106 g. ~~At least two stages of production of wine, beer, cider or distilled spirits,~~  
2107 ~~such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized~~  
2108 ~~by the Washington state Liquor and Cannabis Board production license, shall occur on-~~  
2109 ~~site. At least one of the stages of on-site production shall include crushing, fermenting or~~  
2110 ~~distilling;~~

2111 h. ~~In the A zone, structures and areas for non-agricultural winery, brewery,~~  
2112 ~~distillery facility uses shall be located on portions of agricultural lands that are unsuitable~~  
2113 ~~for agricultural purposes, such as areas within the already developed portion of such~~  
2114 ~~agricultural lands that are not available for direct agricultural production, or areas without~~  
2115 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~  
2116 ~~a nonagricultural accessory use;~~

2117 i. ~~Tasting and retail sales of products produced on site may occur only as~~  
2118 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~  
2119 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~

2120 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~  
2121 ~~in the aggregated floor area limitation in subsection B.12.b. and c. of this section.~~  
2122 ~~Incidental retail sales of merchandise related to the products produced on-site is allowed~~  
2123 ~~subject to the restrictions described in this subsection. Hours of operation for on-site~~  
2124 ~~tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and~~  
2125 ~~Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and~~  
2126 ~~Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.~~  
2127 ~~through 9:00 p.m.;~~  
2128 ~~j. Access to the site shall be directly to and from an arterial roadway;~~  
2129 ~~k. Off-street parking maximums shall be determined through the conditional~~  
2130 ~~use permit process, and should not be more than one hundred fifty percent of the~~  
2131 ~~minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~  
2132 ~~l. The business operator shall obtain an adult beverage business license in~~  
2133 ~~accordance with K.C.C. chapter 6.74;~~  
2134 ~~m. Events may be allowed with an approved temporary use permit under~~  
2135 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~  
2136 ~~and~~  
2137 ~~n. The impervious surface associated with the winery, brewery, distillery~~  
2138 ~~facility use shall not exceed twenty five percent of the site, or the maximum impervious~~  
2139 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~  
2140 ~~whichever is less)) Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC~~  
2141 ~~Industry No. 2085-Distilled and Blended Liquors;~~

2142            b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area  
2143 of structures for wineries, breweries and distilleries and any accessory uses shall not  
2144 exceed a total of eight thousand square feet. The floor area may be increased by up to an  
2145 additional eight thousand square feet of underground storage that is constructed  
2146 completely below natural grade, not including required exits and access points, if the  
2147 underground storage is at least one foot below the surface and is not visible above  
2148 ground; and

2149            (2) On Vashon-Maury Island, the total floor area of structures for wineries,  
2150 breweries and distilleries and any accessory uses may not exceed six thousand square  
2151 feet, including underground storage;

2152            c. Wineries, breweries and distilleries shall comply with Washington state  
2153 Department of Ecology and King County board of health regulations for water usage and  
2154 wastewater disposal. Wineries, breweries and distilleries using water from exempt wells  
2155 shall install a water meter;

2156            d. Off-street parking is limited to one hundred and fifty percent of the  
2157 minimum requirement for wineries, breweries or distilleries specified in K.C.C.  
2158 21A.18.030;

2159            e. Structures and areas used for processing shall be set back a minimum  
2160 distance of seventy-five feet from property lines adjacent to rural area and residential  
2161 zones, unless the processing is located in a building designated as historic resource under  
2162 K.C.C. chapter 20.62;

2163 f. The minimum site area is four and one-half acres. If the total floor area of  
2164 structures for wineries, breweries and distilleries and any accessory uses exceed six  
2165 thousand square feet, including underground storage:

2166 (1) the minimum site area is ten acres; and

2167 (2) a minimum of two and one-half acres of the site shall be used for the  
2168 growing of agricultural products;

2169 g. The facility shall be limited to processing agricultural products and sixty  
2170 percent or more of the products processed must be grown in the Puget Sound counties.

2171 At the time of the initial application, the applicant shall submit a projection of the source  
2172 of products to be processed; and

2173 h. Tasting of products produced on site may be provided in accordance with  
2174 state law. The area devoted to tasting shall be included in the floor area limitation in  
2175 subsection B.12.b. of this section.

2176 13. Only on the same lot or same group of lots under common ownership or  
2177 documented legal control, which includes, but is not limited to, fee simple ownership, a  
2178 long-term lease or an easement:

2179 a. as accessory to a primary forestry use and at a scale appropriate to process  
2180 the organic waste generated on the site; or

2181 b. as a continuation of a sawmill or lumber manufacturing use only for that  
2182 period to complete delivery of products or projects under contract at the end of the  
2183 sawmill or lumber manufacturing activity.

2184 14. Only on the same lot or same group of lots under common ownership or  
2185 documented legal control, which includes, but is not limited to, fee simple ownership, a  
2186 long-term lease or an easement:

2187 a. as accessory to a primary mineral use; or

2188 b. as a continuation of a mineral processing use only for that period to  
2189 complete delivery of products or projects under contract at the end of mineral extraction.

2190 15. Continuation of a materials processing facility after reclamation in  
2191 accordance with an approved reclamation plan.

2192 16. Only a site that is ten acres or greater and that does not use local access  
2193 streets that abut lots developed for residential use.

2194 17.a. ~~((The aggregated floor area of structures and areas for winery, brewery,~~  
2195 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~  
2196 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~  
2197 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~  
2198 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~  
2199 ~~that are not occupied and not open to the public are excluded from the calculation for~~  
2200 ~~maximum aggregated floor area;~~

2201 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~  
2202 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~  
2203 ~~adjoining rural area and residential zones, unless located in a building designated as~~  
2204 ~~historic resource under K.C.C. chapter 20.62;~~

2205 ~~c. Tasting and retail sale of products produced on-site, and merchandise related~~  
2206 ~~to the products produced on-site, may be provided in accordance with state law. The area~~

2207 ~~devoted to on-site tasting or retail sales shall be included in the aggregated floor area~~  
2208 ~~limitation in subsection B.17.a. of this section;~~

2209 ~~d. Off-street parking for the tasting and retail areas shall be limited to a~~  
2210 ~~maximum of one space per fifty square feet of tasting and retail areas;~~

2211 ~~e. The business operator shall obtain an adult beverage business license in~~  
2212 ~~accordance with K.C.C. chapter 6.74; and~~

2213 ~~f. Events may be allowed with an approved temporary use permit under K.C.C.~~  
2214 ~~chapter 21A.32)) Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC~~  
2215 ~~Industry No. 2085-Distilled and Blended Liquors;~~

2216 ~~b. The floor area devoted to all processing shall not exceed three thousand five~~  
2217 ~~hundred square feet, unless located in a building designated as historic resource under~~  
2218 ~~K.C.C. chapter 20.62;~~

2219 ~~c. Structures and areas used for processing shall maintain a minimum distance~~  
2220 ~~of seventy-five feet from property lines adjoining rural area and residential zones, unless~~  
2221 ~~located in a building designated as historic resource under K.C.C. chapter 20.62; and~~

2222 ~~d. Tasting of products produced on site may be provided in accordance with~~  
2223 ~~state law. The area devoted to tasting shall be included in the floor area limitation in~~  
2224 ~~subsection B.17.b. of this section.~~

2225 18. Limited to:

2226 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-  
2227 Millwork, as follows:

2228 (1) If using lumber or timber grown off-site, the minimum site area is four  
2229 and one-half acres;

2230 (2) The facility shall be limited to an annual production of no more than one  
2231 hundred fifty thousand board feet;

2232 (3) Structures housing equipment used in the operation shall be located at  
2233 least one-hundred feet from adjacent properties with residential or rural area zoning;

2234 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to  
2235 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

2236 (5) In the RA zone, the facility's driveway shall have adequate entering sight  
2237 distance required by the 2007 King County Road Design and Construction Standards. An  
2238 adequate turn around shall be provided on-site to prevent vehicles from backing out on to  
2239 the roadway that the driveway accesses; and

2240 (6) Outside lighting is limited to avoid off-site glare; and

2241 b. SIC Industry No. 2411-Logging.

2242 19. Limited to manufacture of custom made wood furniture or cabinets.

2243 20.a. Only allowed on lots of at least four and one-half acres;

2244 b. Only as an accessory use to a Washington state Liquor Control Board  
2245 licensed marijuana production facility on the same lot;

2246 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2247 d. Only with documentation that the operator has applied for a Puget Sound  
2248 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2249 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2250 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2251 are imported onto the site; and

2252 e. Accessory marijuana processing uses allowed under this section are subject  
2253 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2254 21.a. Only in the CB and RB zones located outside the urban growth area;  
2255 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2256 c. Only with documentation that the operator has applied for a Puget Sound  
2257 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2258 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2259 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2260 are imported onto the site;

2261 d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
2262 support of, processing marijuana together with any separately authorized production of  
2263 marijuana shall be limited to a maximum of two thousand square feet; and

2264 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
2265 every marijuana-related entity occupying space in addition to the two-thousand-square-  
2266 foot threshold area on that lot shall obtain a conditional use permit as set forth in  
2267 subsection B.22. of this section.

2268 22.a. Only in the CB and RB zones located outside the urban growth area;

2269 b. Per lot, the aggregated total gross floor area devoted to the use of, and in  
2270 support of, processing marijuana together with any separately authorized production of  
2271 marijuana shall be limited to a maximum of thirty thousand square feet;

2272 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

2273 d. Only with documentation that the operator has applied for a Puget Sound  
2274 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2275 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2276 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2277 are imported onto the site.

2278 23.a. Only in the CB and RB zones located inside the urban growth area;

2279 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2280 c. Only with documentation that the operator has applied for a Puget Sound

2281 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2282 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2283 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2284 are imported onto the site;

2285 d. Per lot, the aggregated total gross floor area devoted to the use of, and in

2286 support of, processing marijuana together with any separately authorized production of

2287 marijuana shall be limited to a maximum of two thousand square feet; and

2288 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and

2289 every marijuana-related entity occupying space in addition to the two-thousand-square-

2290 foot threshold area on that lot shall obtain a conditional use permit as set forth in

2291 subsection B.24. of this section.

2292 24.a. Only in the CB and RB zones located inside the urban growth area;

2293 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2294 c. Only with documentation that the operator has applied for a Puget Sound

2295 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2296 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2297 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2298 are imported onto the site; and

2299 d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
2300 support of, processing marijuana together with any separately authorized production of  
2301 marijuana shall be limited to a maximum of thirty thousand square feet.

2302 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2303 b. Only with documentation that the operator has applied for a Puget Sound  
2304 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2305 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2306 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2307 are imported onto the site; and

2308 c. Per lot, limited to a maximum aggregate total of two thousand square feet of  
2309 gross floor area devoted to, and in support of, the processing of marijuana together with  
2310 any separately authorized production of marijuana.

2311 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2312 b. Only with documentation that the operator has applied for a Puget Sound  
2313 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2314 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2315 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2316 are imported onto the site; and

2317 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of  
2318 gross floor area devoted to, and in support of, the processing of marijuana together with  
2319 any separately authorized production of marijuana.

2320           27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury  
2321 Island, that do not require a conditional use permit issued by King County, that receive a  
2322 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,  
2323 and that King County did not object to within the Washington state Liquor and Cannabis  
2324 Board marijuana license application process, shall be considered nonconforming as to  
2325 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through  
2326 21A.32.075 for nonconforming uses;

2327           b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

2328           c. Only with documentation that the operator has applied for a Puget Sound  
2329 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2330 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2331 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2332 are imported onto the site;

2333           d. Only allowed on lots of at least four and on-half acres on Vashon-Maury  
2334 Island;

2335           e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
2336 except on Vashon-Maury Island;

2337           f. Only as an accessory use to a Washington state Liquor Cannabis Board  
2338 licensed marijuana production facility on the same lot; and

2339           g. Accessory marijuana processing uses allowed under this section are subject to  
2340 all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2341           28. If the food and kindred products manufacturing or processing is associated  
2342 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

2343           ~~((29.a. Tasting and retail sales of products produced on-site, and merchandise~~  
2344 ~~related to the products produced on-site, may be provided in accordance with state law;~~

2345           ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~  
2346 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~  
2347 ~~adjoining rural area and residential zones, unless located in a building designated as~~  
2348 ~~historic resource under K.C.C. chapter 20.62;~~

2349           ~~c. For winery, brewery, distillery facility uses that do not require a conditional~~  
2350 ~~use permit, off-street parking for the tasting and retail areas shall be limited to a~~  
2351 ~~maximum of one space per fifty square feet of tasting and retail areas. For winery,~~  
2352 ~~brewery, distillery facility uses that do require a conditional use permit, off-street parking~~  
2353 ~~maximums shall be determined through the conditional use permit process, and off-street~~  
2354 ~~parking for the tasting and retail areas should be limited to a maximum of one space per~~  
2355 ~~fifty square feet of tasting and retail areas;~~

2356           ~~d. The business operator shall obtain an adult beverage business license in~~  
2357 ~~accordance with K.C.C. chapter 6.74; and~~

2358           ~~e. Events may be allowed with an approved temporary use permit under~~  
2359 ~~K.C.C. chapter 21A.32.~~

2360           ~~30.a. Only allowed on lots of at least two and one-half acres;~~

2361           ~~b. The aggregated floor area of structures and areas for winery, brewery,~~  
2362 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~  
2363 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~  
2364 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~  
2365 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~

2366 that are not occupied and not open to the public are excluded from the calculation for  
2367 maximum aggregated floor area;

2368 e. Structures and parking areas for winery, brewery, distillery facility uses  
2369 shall maintain a minimum distance of seventy five feet from interior property lines  
2370 adjoining rural area and residential zones, unless located in a building designated as  
2371 historic resource under K.C.C. chapter 20.62;

2372 d. Tasting and retail sales of products produced on site may only occur as  
2373 accessory to the primary winery, brewery, distillery production use and may be provided  
2374 in accordance with state law. The area devoted to on site tasting or retail sales shall be  
2375 limited to no more than thirty percent of the aggregated floor area and shall be included  
2376 in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental  
2377 retail sales of merchandise related to the products produced on site is allowed subject to  
2378 the restrictions described in this subsection. Hours of operation for on-site tasting of  
2379 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,  
2380 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,  
2381 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00  
2382 p.m.;

2383 e. Access to the site shall be directly to and from a public roadway;

2384 f. Off street parking is limited to a maximum of one hundred fifty percent of  
2385 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

2386 g. The business operator shall obtain an adult beverage business license in  
2387 accordance with K.C.C. chapter 6.74;

2388 h. Events may be allowed with an approved temporary use permit under

2389 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~  
2390 ~~i. At least two stages of production of wine, beer, cider or distilled spirits, such~~  
2391 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~  
2392 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~  
2393 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~  
2394 ~~or distilling; and~~  
2395 ~~j. The impervious surface associated with the winery, brewery, distillery~~  
2396 ~~facility use shall not exceed twenty-five percent of the site, or the maximum impervious~~  
2397 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~  
2398 ~~whichever is less.~~  
2399 ~~31.a. Limited to businesses with non-retail brewery and distillery production~~  
2400 ~~licenses from the Washington state Liquor and Cannabis board. Wineries and remote~~  
2401 ~~tasting rooms for wineries shall not be allowed;~~  
2402 ~~b. Tasting and retail sale of products produced on-site and merchandise related~~  
2403 ~~to the products produced on-site may be provided in accordance with state law. The area~~  
2404 ~~devoted to on-site tasting or retail sales shall not exceed one thousand five hundred~~  
2405 ~~square feet;~~  
2406 ~~c. Structures and parking areas for brewery and distillery facility uses shall~~  
2407 ~~maintain a minimum distance of seventy-five feet from interior property lines adjoining~~  
2408 ~~rural area and residential zones, unless located in a building designated as historic~~  
2409 ~~resource under K.C.C. chapter 20.62;~~  
2410 ~~d. For brewery and distillery facility uses that do not require a conditional use~~  
2411 ~~permit, off-street parking for the tasting and retail areas shall be limited to a maximum of~~

2412 ~~one space per fifty square feet of tasting and retail areas. For brewery and distillery~~  
2413 ~~facility uses that do require a conditional use permit, off-street parking maximums shall~~  
2414 ~~be determined through the conditional use permit process, and off-street parking for the~~  
2415 ~~tasting and retail areas should be limited to a maximum of one space per fifty square feet~~  
2416 ~~of tasting and retail areas;~~

2417 ~~e. The business operator shall obtain an adult beverage business license in~~  
2418 ~~accordance with K.C.C. chapter 6.74; and~~

2419 ~~f. Events may be allowed with an approved temporary use permit under K.C.C.~~  
2420 ~~chapter 21A.32.~~

2421 ~~32.a. The aggregated floor area of structures and areas for winery, brewery,~~  
2422 ~~distillery facility uses shall not exceed one thousand five hundred square feet;~~

2423 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~  
2424 ~~shall maintain a minimum distance of seventy-five feet from interior property lines~~  
2425 ~~adjoining rural area and residential zones, unless located in a building designated as~~  
2426 ~~historic resource under K.C.C. chapter 20.62;~~

2427 ~~c. One on-site parking stall shall be allowed for the winery, brewery, distillery~~  
2428 ~~facility I use;~~

2429 ~~d. The business operator shall obtain an adult beverage business license in~~  
2430 ~~accordance with K.C.C. chapter 6.74;~~

2431 ~~e. At least two stages of production of wine, beer, cider or distilled spirits, such~~  
2432 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~  
2433 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~  
2434 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~

2435 or distilling;

2436 f. ~~No product tasting or retail sales shall be allowed on site;~~

2437 g. ~~Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and~~

2438 h. ~~The impervious surface associated with the winery, brewery, distillery~~

2439 ~~facility use shall not exceed twenty-five percent of the site or the maximum impervious~~

2440 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~

2441 ~~whichever is less.))~~

2442 SECTION 46. Ordinance 10870, Section 336, as amended, and K.C.C.

2443 21A.08.090 are hereby amended to read as follows:

2444 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12- 48	NB	CB	RB	O	I
<u>12</u>	<u>Coal Mining</u>												
<u>13</u>	<u>Oil and Gas Extraction</u>												
	<b>AGRICULTURE:</b>												
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			P16					P18	P18		P20

		C2 2			C17					C19	C19		C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	<b>FORESTRY:</b>												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	<b>FISH AND WILDLIFE MANAGEMENT:</b>												
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							
	<b>MINERAL:</b>												
10,((42,)) 14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

2445

B. Development conditions.

2446

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

- 2447 2. Only forest research conducted within an enclosed building.
- 2448 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 2449 4. Excluding housing for agricultural workers.
- 2450 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 2451 with mineral extraction or processing operation.
- 2452 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 2453 7. Only in conjunction with a mineral extraction site plan approved in
- 2454 accordance with K.C.C. chapter 21A.22.
- 2455 8. Only on the same lot or same group of lots under common ownership or
- 2456 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 2457 long-term lease or an easement:
- 2458 a. as accessory to a primary mineral extraction use;
- 2459 b. as a continuation of a mineral processing only for that period to complete
- 2460 delivery of products or projects under contract at the end of a mineral extraction; or
- 2461 c. for a public works project under a temporary grading permit issued in
- 2462 accordance with K.C.C. 16.82.152.
- 2463 9. Limited to mineral extraction and processing:
- 2464 a. on a lot or group of lots under common ownership or documented legal
- 2465 control, which includes but is not limited to, fee simple ownership, a long-term lease or
- 2466 an easement;
- 2467 b. that are located greater than one-quarter mile from an established residence;
- 2468 and
- 2469 c. that do not use local access streets that abut lots developed for residential

2470 use.

2471 10. Agriculture training facilities are allowed only as an accessory to existing  
2472 agricultural uses and are subject to the following conditions:

2473 a. The impervious surface associated with the agriculture training facilities  
2474 shall comprise not more than ten percent of the allowable impervious surface permitted  
2475 under K.C.C. 21A.12.040;

2476 b. New or the expansion of existing structures, or other site improvements,  
2477 shall not be located on class 1, 2 or 3 soils;

2478 c. The director may require reuse of surplus structures to the maximum extent  
2479 practical;

2480 d. The director may require the clustering of new structures with existing  
2481 structures;

2482 e. New structures or other site improvements shall be set back a minimum  
2483 distance of seventy-five feet from property lines adjoining rural area and residential  
2484 zones;

2485 f. Bulk and design of structures shall be compatible with the architectural style  
2486 of the surrounding agricultural community;

2487 g. New sewers shall not be extended to the site;

2488 h. Traffic generated shall not impede the safe and efficient movement of  
2489 agricultural vehicles, nor shall it require capacity improvements to rural roads;

2490 i. Agriculture training facilities may be used to provide educational services to  
2491 the surrounding rural/agricultural community or for community events. Property owners  
2492 may be required to obtain a temporary use permit for community events in accordance

2493 with K.C.C. chapter 21A.32;

2494 j. Use of lodging and food service facilities shall be limited only to activities  
2495 conducted in conjunction with training and education programs or community events  
2496 held on site;

2497 k. Incidental uses, such as office and storage, shall be limited to those that  
2498 directly support education and training activities or farm operations; and

2499 l. The King County agriculture commission shall be notified of and have an  
2500 opportunity to comment upon all proposed agriculture training facilities during the permit  
2501 process in accordance with K.C.C. chapter 21A.40.

2502 11. Continuation of mineral processing and asphalt/concrete mixtures and block  
2503 uses after reclamation in accordance with an approved reclamation plan.

2504 12.a. Activities at the camp shall be limited to agriculture and agriculture-  
2505 oriented activities. In addition, activities that place minimal stress on the site's  
2506 agricultural resources or activities that are compatible with agriculture are permitted.

2507 (1) passive recreation;

2508 (2) training of individuals who will work at the camp;

2509 (3) special events for families of the campers; and

2510 (4) agriculture education for youth.

2511 b. Outside the camp center, as provided for in subsection B.12.e. of this  
2512 section, camp activities shall not preclude the use of the site for agriculture and  
2513 agricultural related activities, such as the processing of local food to create value-added  
2514 products and the refrigeration and storage of local agricultural products. The camp shall  
2515 be managed to coexist with agriculture and agricultural activities both onsite and in the

2516 surrounding area.

2517 c. A farm plan shall be required for commercial agricultural production to  
2518 ensure adherence to best management practices and soil conservation.

2519 d.(1) The minimum site area shall be five hundred acres. Unless the property  
2520 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)  
2521 of this section, a minimum of five hundred acres of the site must be owned by a single  
2522 individual, corporation, partnership or other legal entity and must remain under the  
2523 ownership of a single individual, corporation, partnership or other legal entity for the  
2524 duration of the operation of the camp.

2525 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
2526 owner from selling or transferring the development rights for a portion or all of the site to  
2527 the King County farmland preservation program or, if the development rights are  
2528 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

2529 e. The impervious surface associated with the camp shall comprise not more  
2530 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

2531 f. Structures for living quarters, dining facilities, medical facilities and other  
2532 nonagricultural camp activities shall be located in a camp center. The camp center shall  
2533 be no more than fifty acres and shall be depicted on a site plan. New structures for  
2534 nonagricultural camp activities shall be clustered with existing structures;

2535 g. To the extent practicable, existing structures shall be reused. The applicant  
2536 shall demonstrate to the director that a new structure for nonagricultural camp activities  
2537 cannot be practicably accommodated within an existing structure on the site, though  
2538 cabins for campers shall be permitted only if they do not already exist on site;

2539           h. Camp facilities may be used to provide agricultural educational services to  
2540 the surrounding rural and agricultural community or for community events. If required  
2541 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
2542 community events;

2543           i. Lodging and food service facilities shall only be used for activities related to  
2544 the camp or for agricultural education programs or community events held on site;

2545           j. Incidental uses, such as office and storage, shall be limited to those that  
2546 directly support camp activities, farm operations or agricultural education programs;

2547           k. New nonagricultural camp structures and site improvements shall maintain a  
2548 minimum set-back of seventy-five feet from property lines adjoining rural area and  
2549 residential zones;

2550           l. Except for legal nonconforming structures existing as of January 1, 2007,  
2551 camp facilities, such as a medical station, food service hall and activity rooms, shall be of  
2552 a scale to serve overnight camp users;

2553           m. Landscaping equivalent to a type III landscaping screen, as provided for in  
2554 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
2555 and site improvements located within two hundred feet of an adjacent rural area and  
2556 residential zoned property not associated with the camp;

2557           n. New sewers shall not be extended to the site;

2558           o. The total number of persons staying overnight shall not exceed three  
2559 hundred;

2560           p. The length of stay for any individual overnight camper, not including camp  
2561 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

2562 q. Traffic generated by camp activities shall not impede the safe and efficient  
2563 movement of agricultural vehicles nor shall it require capacity improvements to rural  
2564 roads;

2565 r. If the site is adjacent to an arterial roadway, access to the site shall be  
2566 directly onto the arterial unless the county road engineer determines that direct access is  
2567 unsafe;

2568 s. If direct access to the site is via local access streets, transportation  
2569 management measures shall be used to minimize adverse traffic impacts;

2570 t. Camp recreational activities shall not involve the use of motor vehicles  
2571 unless the motor vehicles are part of an agricultural activity or are being used for the  
2572 transportation of campers, camp personnel or the families of campers. Camp personnel  
2573 may use motor vehicles for the operation and maintenance of the facility. Client-specific  
2574 motorized personal mobility devices are allowed; and

2575 u. Lights to illuminate the camp or its structures shall be arranged to reflect the  
2576 light away from any adjacent property.

2577 13. Limited to digester receiving plant and animal and other organic waste from  
2578 agricultural activities, and including electrical generation, as follows:

2579 a. the digester must be included as part of a Washington state Department of  
2580 Agriculture approved dairy nutrient plan;

2581 b. the digester must process at least seventy percent livestock manure or other  
2582 agricultural organic material from farms in the vicinity, by volume;

2583 c. imported organic waste-derived material, such as food processing waste,  
2584 may be processed in the digester for the purpose of increasing methane gas production for

2585 beneficial use, but not shall exceed thirty percent of volume processed by the digester;  
2586 and

2587 d. the use must be accessory to an operating dairy or livestock operation.

2588 14. Farm worker housing. Either:

2589 a. Temporary farm worker housing subject to the following conditions:

2590 (1) The housing must be licensed by the Washington state Department of  
2591 Health under chapter 70.114A RCW and chapter 246-358 WAC;

2592 (2) Water supply and sewage disposal systems must be approved by the  
2593 Seattle King County department of health;

2594 (3) To the maximum extent practical, the housing should be located on  
2595 nonfarmable areas that are already disturbed and should not be located in the floodplain  
2596 or in a critical area or critical area buffer; and

2597 (4) The property owner shall file with the department of executive services,  
2598 records and licensing services division, a notice approved by the department identifying  
2599 the housing as temporary farm worker housing and that the housing shall be occupied  
2600 only by agricultural employees and their families while employed by the owner or  
2601 operator or on a nearby farm. The notice shall run with the land; or

2602 b. Housing for agricultural employees who are employed by the owner or  
2603 operator of the farm year-round as follows:

2604 (1) Not more than:

2605 (a) one agricultural employee dwelling unit on a site less than twenty acres;

2606 (b) two agricultural employee dwelling units on a site of at least twenty  
2607 acres and less than fifty acres;

2608 (c) three agricultural employee dwelling units on a site of at least fifty acres  
2609 and less than one-hundred acres; and

2610 (d) four agricultural employee dwelling units on a site of at least one-  
2611 hundred acres, and one additional agricultural employee dwelling unit for each additional  
2612 one hundred acres thereafter;

2613 (2) If the primary use of the site changes to a nonagricultural use, all  
2614 agricultural employee dwelling units shall be removed;

2615 (3) The applicant shall file with the department of executive services, records  
2616 and licensing services division, a notice approved by the department that identifies the  
2617 agricultural employee dwelling units as accessory and that the dwelling units shall only  
2618 be occupied by agricultural employees who are employed by the owner or operator year-  
2619 round. The notice shall run with the land. The applicant shall submit to the department  
2620 proof that the notice was filed with the department of executive services, records and  
2621 licensing services division, before the department approves any permit for the  
2622 construction of agricultural employee dwelling units;

2623 (4) An agricultural employee dwelling unit shall not exceed a floor area of  
2624 one thousand square feet and may be occupied by no more than eight unrelated  
2625 agricultural employees;

2626 (5) To the maximum extent practical, the housing should be located on  
2627 nonfarmable areas that are already disturbed;

2628 (6) One off-street parking space shall be provided for each agricultural  
2629 employee dwelling unit; and

2630 (7) The agricultural employee dwelling units shall be constructed in

2631 compliance with K.C.C. Title 16.

2632 15. Marijuana production by marijuana producers licensed by the Washington  
2633 state Liquor and Cannabis Board is subject to the following standards:

2634 a. Only allowed on lots of at least four and one-half acres;

2635 b. With a lighting plan, only if required by and that complies with K.C.C.

2636 21A.12.220.G.;

2637 c. Only with documentation that the operator has applied for a Puget Sound  
2638 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2639 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2640 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2641 are imported onto the site;

2642 d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
2643 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
2644 subject to the size limitations in subsection B.15.e. of this section;

2645 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2646 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
2647 aggregated total of two thousand square feet and shall be located within a fenced area or  
2648 marijuana greenhouse that is no more than ten percent larger than that combined area, or  
2649 may occur in nondwelling unit structures that exist as of October 1, 2013;

2650 f. Outdoor production area fencing as required by the Washington state Liquor  
2651 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
2652 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty  
2653 feet; and

2654 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined  
2655 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every  
2656 marijuana-related entity occupying space in addition to the two-thousand-square-foot  
2657 threshold area on that lot shall obtain a conditional use permit as set forth in subsection  
2658 B.22. of this section.

2659 16. Marijuana production by marijuana producers licensed by the Washington  
2660 state Liquor and Cannabis Board is subject to the following standards:

2661 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,  
2662 that do not require a conditional use permit issued by King County, that receive a  
2663 Washington state Liquor and Cannabis Board license business (~~((prior to))~~) before October  
2664 1, 2016, and that King County did not object to within the Washington state Liquor and  
2665 Cannabis Board marijuana license application process, shall be considered  
2666 nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of  
2667 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

2668 b. In all rural area zones, only with a lighting plan that complies with K.C.C.  
2669 21A.12.220.G.;

2670 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
2671 Island;

2672 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
2673 except on Vashon-Maury Island;

2674 e. Only with documentation that the operator has applied for a Puget Sound  
2675 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2676 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2677 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2678 are imported onto the site;

2679 f. Production is limited to outdoor, indoor within marijuana greenhouses, and  
2680 within nondwelling unit structures that exist as of October 1, 2013, subject to the size  
2681 limitations in subsection B.16.g. of this section; and

2682 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2683 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
2684 aggregated total of two thousand square feet and shall be located within a fenced area or  
2685 marijuana greenhouse, that is no more than ten percent larger than that combined area, or  
2686 may occur in nondwelling unit structures that exist as of October 1, 2013;

2687 h. Outdoor production area fencing as required by the Washington state Liquor  
2688 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback  
2689 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback  
2690 of one hundred fifty feet from any existing residence; and

2691 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within  
2692 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related  
2693 entity occupying space in addition to the two-thousand-square-foot threshold area on that  
2694 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

2695 17. Marijuana production by marijuana producers licensed by the Washington  
2696 state Liquor and Cannabis Board is subject to the following standards:

2697 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
2698 Island;

2699 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,

2700 except on Vashon-Maury Island;

2701 c. In all rural area zones, only with a lighting plan that complies with K.C.C.

2702 21A.12.220.G.;

2703 d. Only with documentation that the operator has applied for a Puget Sound  
2704 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2705 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2706 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2707 are imported onto the site;

2708 e. Production is limited to outdoor and indoor within marijuana greenhouses  
2709 subject to the size limitations in subsection B.17.f. of this section;

2710 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2711 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
2712 aggregated total of thirty thousand square feet and shall be located within a fenced area or  
2713 marijuana greenhouse that is no more than ten percent larger than that combined area;  
2714 and

2715 g. Outdoor production area fencing as required by the Washington state Liquor  
2716 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback  
2717 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback  
2718 of one hundred fifty feet from any existing residence.

2719 18.a. Production is limited to indoor only;

2720 b. With a lighting plan only as required by and that complies with K.C.C.

2721 21A.12.220.G.;

2722 c. Only with documentation that the operator has applied for a Puget Sound

2723 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2724 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2725 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2726 are imported onto the site; and

2727           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2728 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
2729 aggregated total of two thousand square feet and shall be located within a building or  
2730 tenant space that is no more than ten percent larger than the plant canopy and separately  
2731 authorized processing area; and

2732           e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
2733 every marijuana-related entity occupying space in addition to the two-thousand-square  
2734 foot threshold area on that parcel shall obtain a conditional use permit as set forth in  
2735 subsection B.19. of this section.

2736           19.a. Production is limited to indoor only;

2737           b. With a lighting plan only as required by and that complies with K.C.C.  
2738 21A.12.220.G.;

2739           c. Only with documentation that the operator has applied for a Puget Sound  
2740 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2741 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2742 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2743 are imported onto the site; and

2744           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2745 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

2746 aggregated total of thirty thousand square feet and shall be located within a building or  
2747 tenant space that is no more than ten percent larger than the plant canopy and separately  
2748 authorized processing area.

2749 20.a. Production is limited to indoor only;

2750 b. With a lighting plan only as required by and that complies with K.C.C.

2751 21A.12.220.G.;

2752 c. Only with documentation that the operator has applied for a Puget Sound  
2753 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2754 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2755 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2756 are imported onto the site;

2757 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2758 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
2759 aggregated total of two thousand square feet and shall be located within a building or  
2760 tenant space that is no more than ten percent larger than the plant canopy and separately  
2761 authorized processing area; and

2762 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
2763 every marijuana-related entity occupying space in addition to the two-thousand-square-  
2764 foot threshold area on that lot shall obtain a conditional use permit as set forth in  
2765 subsection B.21. of this section.

2766 21.a. Production is limited to indoor only;

2767 b. With a lighting plan only as required by and that complies with K.C.C.

2768 21A.12.220.G.;

2769 c. Only with documentation that the operator has applied for a Puget Sound  
2770 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2771 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2772 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2773 are imported onto the site; and

2774 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2775 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
2776 aggregated total of thirty thousand square feet and shall be located within a building or  
2777 tenant space that is no more than ten percent larger than the plant canopy and separately  
2778 authorized processing area.

2779 22. Marijuana production by marijuana producers licensed by the Washington  
2780 state Liquor and Cannabis Board is subject to the following standards:

2781 a. With a lighting plan only as required by and that complies with K.C.C.  
2782 21A.12.220.G.;

2783 b. Only allowed on lots of at least four and one-half acres;

2784 c. Only with documentation that the operator has applied for a Puget Sound  
2785 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2786 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2787 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2788 are imported onto the site;

2789 d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
2790 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
2791 subject to the size limitations in subsection B.22. e. and f. of this section;

2792 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-  
2793 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be  
2794 limited to a maximum aggregated total of five thousand square feet and shall be located  
2795 within a fenced area or marijuana greenhouse that is no more than ten percent larger than  
2796 that combined area, or may occur in nondwelling unit structures that exist as of October 1,  
2797 2013;

2798 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-  
2799 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be  
2800 limited to a maximum aggregated total of ten thousand square feet, and shall be located  
2801 within a fenced area or marijuana greenhouse that is no more than ten percent larger than  
2802 that combined area, or may occur in nondwelling unit structures that exist as of October 1,  
2803 2013; and

2804 g. Outdoor production area fencing as required by the Washington state Liquor  
2805 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain  
2806 a minimum street setback of fifty feet and a minimum interior setback of one hundred feet,  
2807 and a minimum setback of one hundred fifty feet from any existing residence.

2808 23. The storage and processing of non-manufactured source separated organic  
2809 waste that originates from agricultural operations and that does not originate from the site,  
2810 if:

2811 a. agricultural is the primary use of the site;

2812 b. the storage and processing are in accordance with best management practices  
2813 included in an approved farm plan; and

2814 c. except for areas used for manure storage, the areas used for storage and

2815 processing do not exceed three acres and ten percent of the site.

2816 24.a. For activities relating to the processing of crops or livestock for commercial  
2817 purposes, including associated activities such as warehousing, storage, including  
2818 refrigeration, and other similar activities and excluding (~~winery, brewery, distillery facility~~  
2819 ~~I, II, III and remote tasting room~~) wineries, SIC Industry No. 2085 – Distilled and Blended  
2820 Liquors and SIC Industry No. 2082 – Malt Beverages:

2821 (1) limited to agricultural products and sixty percent or more of the products  
2822 processed must be grown in the Puget Sound counties. At the time of initial application,  
2823 the applicant shall submit a projection of the source of products to be produced;

2824 (2) in the RA and UR zones, only allowed on sites of at least four and one-  
2825 half acres;

2826 (3) (a) as a permitted use, the floor area devoted to all processing shall not  
2827 exceed two thousand square feet, unless located in a building designated as an historic  
2828 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as  
2829 established in K.C.C. 21A.42.300, may review and approve an increase in the processing  
2830 floor area as follows: up to three thousand five hundred square feet of floor area may be  
2831 devoted to all processing in the RA zones or on farms less than thirty-five acres located in  
2832 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in  
2833 the A zone; and

2834 (b) as a permitted use, the floor area devoted to all warehousing,  
2835 refrigeration, storage or other similar activities shall not exceed two thousand square feet,  
2836 unless located in a building designated as historic resource under K.C.C. chapter 20.62.  
2837 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may

2838 review and approve an increase of up to three thousand five hundred square feet of floor  
2839 area devoted to all warehouseing, storage, including refrigeration, or other similar  
2840 activities in the RA zones or on farms less than thirty-five acres located in the A zones or  
2841 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

2842 (4) in the A zone, structures and areas used for processing, warehousing,  
2843 refrigeration, storage and other similar activities shall be located on portions of  
2844 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
2845 the already developed portion of such agricultural lands that are not available for direct  
2846 agricultural production, or areas without prime agricultural soils; and

2847 (5) structures and areas used for processing, warehousing, storage, including  
2848 refrigeration, and other similar activities shall maintain a minimum distance of seventy-  
2849 five feet from property lines adjoining rural area and residential zones, unless located in a  
2850 building designated as historic resource under K.C.C. chapter 20.62.

2851 b. For activities relating to the retail sale of agricultural products, except  
2852 livestock:

2853 (1) sales shall be limited to agricultural products and locally made arts and  
2854 crafts;

2855 (2) in the RA and UR zones, only allowed on sites at least four and one-  
2856 half acres;

2857 (3) as a permitted use, the covered sales area shall not exceed two thousand  
2858 square feet, unless located in a building designated as a historic resource under K.C.C.  
2859 chapter 20.62. The agricultural technical review committee, as established in K.C.C.  
2860 21A.42.300, may review and approve an increase of up to three thousand five hundred

2861 square feet of covered sales area;

2862 (4) forty percent or more of the gross sales of agricultural product sold  
2863 through the store must be sold by the producers of primary agricultural products;

2864 (5) sixty percent or more of the gross sales of agricultural products sold  
2865 through the store shall be derived from products grown or produced in the Puget Sound  
2866 counties. At the time of the initial application, the applicant shall submit a reasonable  
2867 projection of the source of product sales;

2868 (6) tasting of products, in accordance with applicable health regulations, is  
2869 allowed;

2870 (7) storage areas for agricultural products may be included in a farm store  
2871 structure or in any accessory building; and

2872 (8) outside lighting is permitted if there is no off-site glare.

2873 c. Retail sales of livestock is permitted only as accessory to raising  
2874 livestock.

2875 d. Farm operations, including quipment repair and related facilities, except  
2876 that:

2877 (1) the repair of tools and machinery is limited to those necessary for the  
2878 operation of a farm or forest;

2879 (2) in the RA and UR zones, only allowed on sites of at least four and one-  
2880 half acres;

2881 (3) the size of the total repair use is limited to one percent of the farm size  
2882 in the A zone, and up to one percent of the size in other zones, up to a maximum of five  
2883 thousand square feet unless located within an existing farm structure, including but not

2884 limited to barns, existing as of December 31, 2003; and

2885 (4) Equipment repair shall not be permitted in the Forest zone.

2886 e. The agricultural technical review committee, as established in K.C.C.

2887 21A.42.300, may review and approve reductions of minimum site sizes in the rural and

2888 residential zones and minimum setbacks from rural and residential zones.

2889 25. The department may review and approve establishment of agricultural

2890 support services in accordance with the code compliance review process in K.C.C.

2891 21A.42.300 only if:

2892 a. project is sited on lands that are unsuitable for direct agricultural production

2893 based on size, soil conditions or other factors and cannot be returned to productivity by

2894 drainage maintenance; and

2895 b. the proposed use is allowed under any Farmland Preservation Program

2896 conservation easement and zoning development standards.

2897 26. The agricultural technical review committee, as established in K.C.C.

2898 21A.42.300, may review and approve establishment of agricultural support services only

2899 if the project site:

2900 a. adjoins or is within six hundred sixty feet of the agricultural production

2901 district;

2902 b. has direct vehicular access to the agricultural production district;

2903 c. except for farmworker housing, does not use local access streets that abut

2904 lots developed for residential use; and

2905 d. has a minimum lot size of four and one-half acres.

2906 27. The agricultural technical review committee, as established in K.C.C.

2907 21A.42.300, may review and approve establishment of agricultural support services only  
 2908 if the project site:  
 2909 a. is outside the urban growth area,  
 2910 b. adjoins or is within six hundred sixty feet of the agricultural production  
 2911 district,  
 2912 c. has direct vehicular access to the agricultural production district,  
 2913 d. except for farmworker housing, does not use local access streets that abut  
 2914 lots developed for residential use; and  
 2915 e. has a minimum lot size of four and one-half acres.  
 2916 28. Only allowed on properties that are outside the urban growth area.  
 2917 SECTION 47. Ordinance 10870, Section 337, as amended, and K.C.C.  
 2918 21A.08.100 are hereby amended to read as follows:  
 2919 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		C14		C14	C14	C14						

	Generation Facility		S		S	S	S						
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	P12 S								
*	<u>Renewable Energy</u> <u>Generation Facility</u>	<u>C28</u>	<u>C28</u>	<u>C</u>									
*	<u>Fossil Fuel Facility</u>												<u>S27</u>
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
((13	<del>Oil and Gas</del> <del>Extraction</del>	<del>S</del>	<del>C</del>	<del>P</del>	<del>S</del>	<del>C</del> ))							
*	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						
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P

7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

2920

B. Development conditions.

2921

1. Except technical institutions. See vocational schools on general services land

2922

use table, K.C.C. 21A.08.050.

2923

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

2924

3. Except weapons armories and outdoor shooting ranges.

2925

4. Except outdoor shooting range.

2926

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

2927

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

2928

b. Limited to one satellite dish antenna.

2929

c. Limited to tower consolidations.

2930

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

2931

practices or for emergency landing sites.

2932

8. Except racing of motorized vehicles.

2933

9. Limited to wildlife exhibit.

- 2934 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 2935 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 2936 21A.32.
- 2937 12. Limited to ~~((cogeneration facilities for on-site use only))~~ gas extraction as an
- 2938 accessory use to a waste management process, such as wastewater treatment, landfill
- 2939 waste management, livestock manure and composting processes.
- 2940 13. Excluding impoundment of water using a dam.
- 2941 14. Limited to facilities that comply with the following:
- 2942 a. Any new diversion structure shall not:
- 2943 (1) exceed a height of eight feet as measured from the streambed; or
- 2944 (2) impound more than three surface acres of water at the normal maximum
- 2945 surface level;
- 2946 b. There shall be no active storage;
- 2947 c. The maximum water surface area at any existing dam or diversion shall not
- 2948 be increased;
- 2949 d. An exceedance flow of no greater than fifty percent in mainstream reach
- 2950 shall be maintained;
- 2951 e. Any transmission line shall be limited to a:
- 2952 (1) right-of-way of five miles or less; and
- 2953 (2) capacity of two hundred thirty KV or less;
- 2954 f. Any new, permanent access road shall be limited to five miles or less; and
- 2955 g. The facility shall only be located above any portion of the stream used by
- 2956 anadromous fish.

2957           15. For I-zoned sites located outside the urban growth area designated by the  
2958 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.  
2959 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be  
2960 prohibited. All other uses, including waste water treatment facilities, shall be subject to  
2961 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

2962           16. The operator of such a facility shall provide verification to the department of  
2963 natural resources and parks or its successor organization that the facility meets or exceeds  
2964 the standards of the Animal and Plant Health Inspection Service of the United States  
2965 Department of Agriculture and the accreditation guidelines of the American Zoo and  
2966 Aquarium Association.

2967           17. The following provisions of the table apply only to major communication  
2968 facilities. Minor communication facilities shall be reviewed in accordance with the  
2969 processes and standard outlined in K.C.C. chapter 21A.27.

2970           18. Only for facilities related to resource-based research.

2971           19. Limited to work release facilities associated with natural resource-based  
2972 activities.

2973           20. Limited to projects which do not require or result in an expansion of sewer  
2974 service outside the urban growth area, unless a finding is made that no cost-effective  
2975 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
2976 the needs of the school bus base and serving only the school bus base may be used.  
2977 Renovation, expansion, modernization or reconstruction of a school bus base is permitted  
2978 but shall not require or result in an expansion of sewer service outside the urban growth  
2979 area, unless a finding is made that no cost-effective alternative technologies are feasible,

2980 in which case a tightline sewer sized only to meet the needs of the school bus base.

2981 21. Only in conformance with the King County Site Development Plan Report,

2982 through modifications to the plan of up to ten percent are allowed for the following:

2983 a. building square footage;

2984 b. landscaping;

2985 c. parking;

2986 d. building height; or

2987 e. impervious surface.

2988 22. A special use permit shall be required for any modification or expansion of

2989 the King County fairgrounds facility that is not in conformance with the King County

2990 Site Development Plan Report or that exceeds the allowed modifications to the plan

2991 identified in subsection B.21. of this section.

2992 23. The facility shall be primarily devoted to rural public infrastructure

2993 maintenance and is subject to the following conditions:

2994 a. The minimum site area shall be ten acres, unless:

2995 (1) the facility is a reuse of a public agency yard; or

2996 (2) the site is separated from a county park by a street or utility right-of-way;

2997 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided

2998 between any stockpiling or grinding operations and adjacent residential zoned property;

2999 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided

3000 between any office and parking lots and adjacent residential zoned property;

3001 d. Access to the site does not use local access streets that abut residential zoned

3002 property, unless the facility is a reuse of a public agency yard;

3003 e. Structural setbacks from property lines shall be as follows:

3004 (1) Buildings, structures and stockpiles used in the processing of materials

3005 shall be no closer than:

3006 (a) one hundred feet from any residential zoned properties, except that the

3007 setback may be reduced to fifty feet when the grade where the building or structures are

3008 proposed is fifty feet or greater below the grade of the residential zoned property;

3009 (b) fifty feet from any other zoned property, except when adjacent to a

3010 mineral extraction or materials processing site;

3011 (c) the greater of fifty feet from the edge of any public street or the setback

3012 from residential zoned property on the far side of the street; and

3013 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall

3014 not be closer than fifty feet from any property line except when adjacent to M or F zoned

3015 property or when a reuse of an existing building. Facilities necessary to control access to

3016 the site, when demonstrated to have no practical alternative, may be located closer to the

3017 property line;

3018 f. On-site clearing, grading or excavation, excluding that necessary for

3019 required access, roadway or storm drainage facility construction, shall not be permitted

3020 within fifty feet of any property line except along any portion of the perimeter adjacent to

3021 M or F zoned property. If native vegetation is restored, temporary disturbance resulting

3022 from construction of noise attenuation features located closer than fifty feet shall be

3023 permitted; and

3024 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

3025 24. The following accessory uses to a motor race track operation are allowed if

3026 approved as part of the special use permit:

3027 a. motocross;

3028 b. autocross;

3029 c. skidpad;

3030 d. garage;

3031 e. driving school; and

3032 f. fire station.

3033 25. Regional transit authority facilities shall be exempt from setback and height  
3034 requirements.

3035 26. Transit comfort facility shall:

3036 a. only be located outside of the urban growth area boundary;

3037 b. be exempt from street setback requirements; and

3038 c. be no more than 200 square feet in size.

3039 27.a. Required for all new, modified or expanded fossil fuel facilities.

3040 Modification or expansion includes, but is not limited to:

3041 (1) new uses or fuel types within existing facilities;

3042 (2) changes to the type of refining, manufacturing or processing;

3043 (3) changes in the methods or volumes of storage or transport of raw  
3044 materials or processed products;

3045 (4) changes in the location of the facilities on-site;

3046 (5) replacement of existing facilities;

3047 (6) increases in power or water demands; or

3048 (7) increases in production capacity; and

3049            b. Facilities shall:

3050            (1) not be located within one thousand feet from any schools, medical care

3051 facilities, or places of assembly that have occupancies of greater than one thousand

3052 persons;

3053            (2) not be located within two hundred fifty feet from a regulated wetland or

3054 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the

3055 buffer in K.C.C. chapter 21A.24 shall apply;

3056            (3) maintain an interior setback of at least two hundred feet;

3057            (4) store fossil fuels completely within enclosed structures, tanks or similar

3058 facilities; and

3059            (5) be accessed directly to and from an arterial roadway.

3060            28. Limited to uses that will not convert more than two acres of farmland or

3061 forestland, or 2.5 percent of the farmland or forestland, whichever is less.

3062            SECTION 48. Ordinance 10870, Section 340, as amended, and K.C.C.

3063 21A.12.030 are hereby amended to read as follows:

3064            A. Densities and dimensions - residential and rural zones.

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

								(27)	(27)	(27)	(27)	(27)	(27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	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)	10 ft (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)

3065

B. Development conditions.

3066

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

3067

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

3068

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

3069

density incentive or density transfer.

3070

2. Also see K.C.C. 21A.12.060.

3071

3. These standards may be modified under the provisions for zero-lot-line and

3072

townhouse developments.

3073

4.a. Height limits may be increased if portions of the structure that exceed the

3074 base height limit provide one additional foot of street and interior setback for each foot  
3075 above the base height limit, but the maximum height may not exceed seventy-five feet.

3076 b. Netting or fencing and support structures for the netting or fencing used to  
3077 contain golf balls in the operation of golf courses or golf driving ranges are exempt from  
3078 the additional interior setback requirements but the maximum height shall not exceed  
3079 seventy-five feet, except for recreation or multiuse parks, where the maximum height  
3080 shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires  
3081 a higher fence.

3082 c. Accessory dwelling units and accessory living quarters shall not exceed base  
3083 heights, except that this requirement shall not apply to accessory dwelling units  
3084 constructed wholly within an existing dwelling unit.

3085 5. Applies to each individual lot. Impervious surface area standards for:

3086 a. Regional uses shall be established at the time of permit review;

3087 b. Nonresidential uses in rural area and residential zones shall comply with  
3088 K.C.C. 21A.12.120 and 21A.12.220;

3089 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand  
3090 seventy-six square feet in area shall be subject to the applicable provisions of the nearest  
3091 comparable R-6 or R-8 zone; and

3092 d. A lot may be increased beyond the total amount permitted in this chapter  
3093 subject to approval of a conditional use permit.

3094 6. Mobile home parks shall be allowed a base density of six dwelling units per  
3095 acre.

3096 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand

3097 square feet in area.

3098 8. At least twenty linear feet of driveway shall be provided between any garage,  
3099 carport or other fenced parking area and the street property line. The linear distance shall  
3100 be measured along the center line of the driveway from the access point to such garage,  
3101 carport or fenced area to the street property line.

3102 9.a. Residences shall have a setback of at least one hundred feet from any  
3103 property line adjoining A, M or F zones or existing extractive operations. However,  
3104 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or  
3105 existing extractive operations shall have a setback from the rear property line equal to  
3106 fifty percent of the lot width and a setback from the side property equal to twenty-five  
3107 percent of the lot width.

3108 b. Except for residences along a property line adjoining A, M or F zones or  
3109 existing extractive operations, lots between one acre and two and one-half acres in size  
3110 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
3111 to the requirements of the R-4 zone.

3112 10.a. For developments consisting of three or more single-detached dwellings  
3113 located on a single parcel, the setback shall be ten feet along any property line abutting  
3114 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
3115 K.C.C. 21A.14.190, which shall have a setback of five feet.

3116 b. For townhouse and apartment development, the setback shall be twenty feet  
3117 along any property line abutting R-1 through R-8, RA and UR zones, except for  
3118 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback  
3119 of five feet, unless the townhouse or apartment development is adjacent to property upon

3120 which an existing townhouse or apartment development is located.

3121           11. Lots smaller than one-half acre in area shall comply with standards of the  
3122 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
3123 larger, the maximum impervious surface area allowed shall be at least ten thousand  
3124 square feet. On any lot over one acre in area, an additional five percent of the lot area  
3125 may be used for buildings related to agricultural or forestry practices. For lots smaller  
3126 than two acres but larger than one-half acre, an additional ten percent of the lot area may  
3127 be used for structures that are determined to be medically necessary, if the applicant  
3128 submits with the permit application a notarized affidavit, conforming with K.C.C.  
3129 21A.32.170A.2.

3130           12. For purposes of calculating minimum density, the applicant may request that  
3131 the minimum density factor be modified based upon the weighted average slope of the  
3132 net buildable area of the site in accordance with K.C.C. 21A.12.087.

3133           13. The minimum lot area does not apply to lot clustering proposals as provided  
3134 in K.C.C. chapter 21A.14.

3135           14. The base height to be used only for projects as follows:

3136           a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a  
3137 fifteen percent finished grade; and

3138           b. in R-18, R-24 and R-48 zones using residential density incentives and  
3139 transfer of density credits in accordance with this title.

3140           15. Density applies only to dwelling units and not to sleeping units.

3141           16. Vehicle access points from garages, carports or fenced parking areas shall  
3142 be set back from the property line on which a joint use driveway is located to provide a

3143 straight line length of at least twenty-six feet as measured from the center line of the  
3144 garage, carport or fenced parking area, from the access point to the opposite side of the  
3145 joint use driveway.

3146 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to  
3147 be clustered if the property is located within or contains:

- 3148 (1) a floodplain;
- 3149 (2) a critical aquifer recharge area;
- 3150 (3) a regionally or locally significant resource area;
- 3151 (4) existing or planned public parks or trails, or connections to such facilities;
- 3152 (5) a category type S or F aquatic area or category I or II wetland;
- 3153 (6) a steep slope; or
- 3154 (7) an urban separator or wildlife habitat network designated by the  
3155 Comprehensive Plan or a community plan.

3156 b. The development shall be clustered away from critical areas or the axis of  
3157 designated corridors such as urban separators or the wildlife habitat network to the extent  
3158 possible and the open space shall be placed in a separate tract that includes at least fifty  
3159 percent of the site. Open space tracts shall be permanent and shall be dedicated to a  
3160 homeowner's association or other suitable organization, as determined by the director,  
3161 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and  
3162 designated urban separators shall be placed within the open space tract to the extent  
3163 possible. Passive recreation, with no development of recreational facilities, and natural-  
3164 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

3165 18. See K.C.C. 21A.12.085.

3166           19. All subdivisions and short subdivisions in R-1 and RA zones within the  
3167 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
3168 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
3169 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
3170 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
3171 maximum impervious surface area of eight percent of the gross acreage of the plat.  
3172 Distribution of the allowable impervious area among the platted lots shall be recorded on  
3173 the face of the plat. Impervious surface of roads need not be counted towards the  
3174 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
3175 more restrictive shall be required.

3176           20. This density may only be achieved on RA 2.5 zoned parcels receiving  
3177 density from rural forest focus areas through a transfer of density credit pursuant to  
3178 K.C.C. chapter 21A.37.

3179           21. Base density may be exceeded, if the property is located in a designated  
3180 rural city urban growth area and each proposed lot contains an occupied legal residence  
3181 that predates 1959.

3182           22. The maximum density is four dwelling units per acre for properties zoned  
3183 R-4 when located in the Rural Town of Fall City.

3184           23. The minimum density requirement does not apply to properties located  
3185 within the Rural Town of Fall City.

3186           24. The impervious surface standards for the county fairground facility are  
3187 established in the King County Fairgrounds Site Development Plan, Attachment A to  
3188 Ordinance 14808 on file at the department of natural resources and parks and the

3189 department of local services, permitting division. Modifications to that standard may be  
3190 allowed provided the square footage does not exceed the approved impervious surface  
3191 square footage established in the King County Fairgrounds Site Development Plan  
3192 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,  
3193 by more than ten percent.

3194 25. For cottage housing developments only:

3195 a. The base height is (~~eighteen~~) twenty-five feet.

3196 b. Buildings have pitched roofs with a minimum slope of six and twelve may  
3197 extend up to (~~twenty-five~~) thirty feet at the ridge of the roof.

3198 26. Impervious surface does not include access easements serving neighboring  
3199 property and driveways to the extent that they extend beyond the street setback due to  
3200 location within an access panhandle or due to the application of King County Code  
3201 requirements to locate features over which the applicant does not have control.

3202 27. Only in accordance with K.C.C. 21A.34.040.F.1.g., (~~and~~) F.6. or K.C.C.  
3203 21A.37.130.A.2.

3204 28. On a site zoned RA with a building listed on the national register of historic  
3205 places, additional dwelling units in excess of the maximum density may be allowed under  
3206 K.C.C. 21A.12.042.

3207 29. Height and setback requirements shall not apply to regional transit authority  
3208 facilities.

3209 SECTION 49. Ordinance 16267, Section 30, and K.C.C. 21A.12.250 are hereby  
3210 amended to read as follows:

3211 The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the  
3212 office/outpatient clinic use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a  
3213 conditional use, subject to the following requirements:

3214 A. The site shall be zoned R-4 through R-48;

3215 B. The establishment shall be located within one-quarter mile of a rural town,  
3216 unincorporated activity center, community business center or neighborhood business  
3217 center and less than one mile from another commercial establishment;

3218 C. The establishment shall be located in either:

3219 1. ((a))A legally established single family dwelling in existence on or before  
3220 January 1, 2008. The structure may not be expanded by more than ten percent as  
3221 provided in K.C.C. ((21A.30.xxx)) 21A.32.065 for the expansion of legally established  
3222 nonconforming uses; or

3223 2. A mixed use development with one hundred percent of the dwelling units  
3224 affordable to households with incomes at or below sixty percent of area median income  
3225 and on-site supportive services consistent with the King County Consortium  
3226 Consolidated Housing and Community Development Plan or successor plan;

3227 D. The maximum on-site parking ratio for establishments and sites shall be ((2))  
3228 two per ((4000)) one thousand square feet and required parking shall not be located  
3229 between the building and the street; and

3230 E. Sign and landscaping standards for the use apply.

3231 SECTION 50. Ordinance 15032, Section 18, as amended, and K.C.C.

3232 21A.14.025 are hereby amended to read as follows:

3233 For cottage housing developments in the R4-R8 zones:

3234           A. The total area of the common open space must be at least two hundred and  
3235 fifty square feet per unit and at least fifty percent of the units must be clustered around  
3236 the common space.

3237           B. The total floor area of each unit, (~~including~~) except for two hundred and fifty  
3238 square feet of any enclosed parking, is limited to one thousand two hundred square feet.  
3239 The footprint of each unit, including any enclosed parking, is limited to nine hundred  
3240 square feet. A front or wraparound porch of up to one hundred square feet is permitted  
3241 and is not to be included in the floor area or footprint calculation.

3242           C. Fences within the cottage housing unit development are limited to three feet in  
3243 height. Fences along the perimeter of the cottage housing development are limited to six  
3244 feet.

3245           D. Individual cottage housing units must be at least ten feet apart.

3246           E. Each dwelling unit that abuts common open space shall have either a primary  
3247 entry or a covered porch, or both, oriented to the common open space.

3248           F. Each dwelling unit within forty feet of a public right-of-way, not including  
3249 alleys, shall have a facade oriented to the public right-of-way that includes a porch, an  
3250 entrance or a bay window that projects a minimum of six inches and is a minimum of  
3251 four feet in width. If a dwelling unit is within forty feet of more than one public right-of-  
3252 way, the department shall determine which right-of-way towards which the facade  
3253 elements shall be oriented. Materials used on this facade shall wrap the corners of the  
3254 unit.

3255           SECTION 51. Ordinance 10870, Section 407, as amended, and K.C.C.  
3256 21A.18.030 are hereby amended to read as follows:

3257           A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking  
 3258 areas shall contain at a minimum the number of parking spaces as stipulated in the  
 3259 following table. Off-street parking ratios expressed as number of spaces per square feet  
 3260 means the usable or net square footage of floor area, exclusive of non-public areas. Non-  
 3261 public areas include but are not limited to building maintenance areas, storage areas,  
 3262 closets or restrooms. If the formula for determining the number of off-street parking  
 3263 spaces results in a fraction, the number of off-street parking spaces shall be rounded to  
 3264 the nearest whole number with fractions of 0.50 or greater rounding up and fractions  
 3265 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational	1 per bedroom

hotel/lodging	
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<u>Cottage housing</u>	<u>1.0 per dwelling unit</u>
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b>	
General services uses:	1 per 300 square feet

Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students

Artist Studios	0.9 per 1,000 square feet of area used for studios
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 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
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
<del>((Remote tasting rooms</del>	<del>1 per 300 square feet of tasting and retail areas))</del>
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080.A):</b>	
Manufacturing uses	0.9 per 1,000 square feet

(( <del>Winery/Brewery/Distillery Facility II and III</del> )) <u>Winery/Brewery</u>	(( <del>0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas</del> )) <u>0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area</u>
<b>RESOURCES (K.C.C. 21A.08.090.A):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100.A):</b>	
Regional uses	(director)

3266 B. An applicant may request a modification of the minimum required number of  
3267 parking spaces by providing that parking demand can be met with a reduced parking  
3268 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
3269 the minimum required number of spaces.

3270 C. When the county has received a shell building permit application, off-street  
3271 parking requirements shall be based on the possible tenant improvements or uses  
3272 authorized by the ((~~zone designation~~)) zoning classification and compatible with the  
3273 limitations of the shell permit. When the range of possible uses result in different parking  
3274 requirements, the director will establish the amount of parking based on a likely range of  
3275 uses.

3276 D. Where other provisions of this code stipulate maximum parking allowed or  
3277 reduced minimum parking requirements, those provisions shall apply.

3278 E. In any development required to provide six or more parking spaces, bicycle  
3279 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
3280 facilities unless otherwise specified.

3281 1. Off-street parking areas shall contain at least one bicycle parking space for  
3282 every twelve spaces required for motor vehicles except as follows:

3283 a. The director may reduce bike rack parking facilities for patrons when it is  
3284 demonstrated that bicycle activity will not occur at that location.

3285 b. The director may require additional spaces when it is determined that the  
3286 use or its location will generate a high volume of bicycle activity. Such a determination  
3287 will include but not be limited to the following uses:

3288 (1) Park/playfield,

3289 (2) Marina,

3290 (3) Library/museum/arboretum,

3291 (4) Elementary/secondary school,

3292 (5) Sports club, or

3293 (6) Retail business (when located along a developed bicycle trail or  
3294 designated bicycle route).

3295 2. Bicycle facilities for patrons shall be located within 100 feet of the building  
3296 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a  
3297 structure attached to the pavement.

3298 3. All bicycle parking and storage shall be located in safe, visible areas that do  
3299 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

3300 4. When more than ten people are employed on site, enclosed locker-type  
3301 parking facilities for employees shall be provided. The director shall allocate the  
3302 required number of parking spaces between bike rack parking and enclosed locker-type  
3303 parking facilities.

3304 5. One indoor bicycle storage space shall be provided for every two dwelling  
3305 units in townhouse and apartment residential uses, unless individual garages are provided  
3306 for every unit. The director may reduce the number of bike rack parking spaces if indoor  
3307 storage facilities are available to all residents.

3308 SECTION 52. Ordinance 10870, Section 413, as amended, and K.C.C.  
3309 21A.18.090 are hereby amended to read as follows:

3310 A. All land uses listed in K.C.C. 21A.08.060, A. (Government/Business  
3311 Services), and in K.C.C. 21A.08.080, A. (Manufacturing), hospitals, high schools,  
3312 vocational schools, universities and specialized instruction schools shall be required to  
3313 reserve one parking space of every ~~((20))~~ twenty required spaces for rideshare parking as  
3314 follows:

3315 1. The parking spaces shall be located closer to the primary employee entrance  
3316 than any other employee parking except disabled;

3317 2. Reserved areas shall have markings and signs indicating that the space is  
3318 reserved; and

3319 3. Parking in reserved areas shall be limited to vanpools and carpools  
3320 established through ride share programs by public agencies and to vehicles meeting  
3321 minimum rideshare qualifications set by the employer~~((:))~~.

3322 B. The director may reduce the number of required off-street parking spaces  
3323 when one or more scheduled transit routes provide service within ~~((660))~~ six hundred  
3324 sixty feet of the site. The amount of reduction shall be based on the number of scheduled  
3325 transit runs between 7:00 - 9:00~~((AM))~~ a.m. and 4:00 - 6:00~~((PM))~~ p.m. each business  
3326 day up to a maximum reduction as follows:

3327 1. Four percent for each run serving land uses in K.C.C. 21A.08.060.A.  
3328 (Government/Business Services) and K.C.C. 21A.08.080.A. (Manufacturing) up to a  
3329 maximum of forty percent; ~~((and))~~

3330 2. Two percent for each run serving land uses in K.C.C. 21A.08.040.A.  
3331 (Recreation/Culture), 21A.08.050.A. (General Services) and 21A.08.060.A.  
3332 (Retail/Wholesale) up to a maximum of twenty percent; and

3333 3. When served by transit runs scheduled every fifteen minutes or less, cottage  
3334 housing sites shall have no required parking minimum.

3335 C. All uses which are located on an existing transit route and are required under  
3336 the computation for required off-street parking spaces in K.C.C. 21A.18.030.A. to  
3337 provide more than ~~((200))~~ two hundred parking spaces may be required to provide transit  
3338 shelters, bus turnout lanes or other transit improvements as a condition of permit  
3339 approval. Uses ~~((which))~~ that reduce required parking under subsection B. of this section  
3340 shall provide transit shelters if transit routes adjoin the site.

3341 SECTION 53. Ordinance 10870, Section 435, and K.C.C. 21A.20.150 are hereby  
3342 amended to read as follows:

3343 A. In the event that a billboard owner elects to relocate CB zoned billboards  
3344 outside of the CB zone, the CB ~~((zone designation))~~ zoning classification shall be  
3345 removed and that permit may not later be used to relocate a billboard in the CB zone.

3346 B. Billboards may be relocated only within the zone district identified on the  
3347 valid billboard permit, except the number of billboards permitted within non-CB zone  
3348 district may increase only as a result of billboard relocation from within the CB zone  
3349 district.

3350            SECTION 54. Ordinance 10870, Section 439, as amended, and K.C.C.

3351 21A.22.010 are hereby amended to read as follows:

3352            The purpose of this chapter is to establish standards that minimize the impacts of  
3353 mineral extraction ~~((and))~~ or processing, coal mining, materials processing ((operations))  
3354 facilities and fossil fuel facilities upon surrounding properties by:

3355            A. Ensuring adequate review of operating aspects of mineral extraction ~~((and))~~ or  
3356 processing, coal mining, materials processing facility and fossil fuel facility sites;

3357            B. Requiring project phasing on large sites to minimize environmental impacts;

3358            C. Requiring minimum site areas large enough to provide setbacks and  
3359 mitigations necessary to protect environmental quality; and

3360            D. Requiring periodic review of mineral extraction ~~((and))~~ or processing, coal  
3361 mining, materials processing ((operations)) facilities and fossil fuel facilities to ensure  
3362 compliance with the approved operating standards.

3363            SECTION 55. Ordinance 10870, Section 440, as amended, and K.C.C.

3364 21A.22.020 are hereby amended to read as follows:

3365            This chapter shall only apply to the following uses or activities ~~((that are))~~:

3366            A. ~~((m))~~Mineral extraction or processing, or both, and including SIC 10 and 14;

3367            B. Coal mining, including SIC 12;

3368            C. ~~((m))~~Materials processing ~~((operations))~~ facilities; and

3369            D. Fossil fuel facilities.

3370            SECTION 56. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are hereby

3371 amended to read as follows:

3372           (~~Extractive~~) Mineral extraction or processing operations, coal mine operations  
3373 and materials processing facility operations shall commence only after issuance of a  
3374 grading permit by the county.

3375           SECTION 57. Ordinance 15032, Section 26, as amended, and K.C.C.  
3376 21A.22.035 are hereby amended to read as follows:

3377           A. Not later than thirty days after the department provides the notice of  
3378 application to the public required by K.C.C. 20.20.060 (~~(on)~~) for a ((mineral extraction or  
3379 ~~materials processing site))~~ use regulated under this chapter, or for an expansion of an  
3380 existing (~~mineral extraction or materials processing site or operation~~) use regulated  
3381 under this chapter beyond the scope of the prior environmental review, the applicant shall  
3382 hold a community meeting. The notice of application shall include notification of the  
3383 date, time and location of the community meeting. At the meeting, the applicant shall  
3384 provide information relative the proposal, including information on existing residences  
3385 and lot patterns within one-quarter mile of potential sites and on alternative haul routes.  
3386 The applicant shall also provide a preliminary evaluation at the meeting of any alternative  
3387 routes that have been provided to the applicant in writing at least five days in advance of  
3388 the meeting. The applicant shall provide to the department within fourteen days after the  
3389 community meeting a written list of meeting attendees and documentation of the meeting.

3390           B. Public notice of the community meeting required by this section shall be  
3391 prepared, posted and distributed in accordance with K.C.C. 20.20.060 at least two weeks  
3392 before the community meeting. In addition, the department shall:

3393           1. Publish a notice of the meeting in a local newspaper of general circulation in  
3394 the affected area;

3395           2. Mail the notice of the meeting to all property owners within one-quarter mile  
3396 of the proposed or expanded site or to at least twenty of the property owners nearest to  
3397 the site, whichever is greater; and

3398           3. Mail the notice of the meeting to all property owners within five hundred feet  
3399 of any proposed haul route from the site to the nearest arterial.

3400           SECTION 58. Ordinance 10870, Section 442, as amended, and K.C.C.

3401 21A.22.040 are hereby amended to read as follows:

3402           To the maximum extent practicable, nonconforming (~~mineral extraction~~  
3403 ~~operations~~) uses regulated under this chapter shall be brought into conformance with the  
3404 operating conditions and performance standards of this chapter during permit renewal.

3405 The department shall establish a schedule for conformance during the first periodic  
3406 review of the nonconforming (~~mineral extraction~~) operation or facility and  
3407 incorporate(~~d~~) such a schedule into the permit conditions.

3408           SECTION 59. Ordinance 10870, Section 443, as amended, and K.C.C.

3409 21A.22.050 are hereby amended to read as follows:

3410           A. In addition to the review conducted as part of the annual renewal of a mineral  
3411 extraction or processing operating permit, coal mine permit or materials processing  
3412 facility permit, the department shall conduct a periodic review of mineral extraction  
3413 (~~and~~) or processing, coal mine, materials processing (~~operation~~) facility or fossil fuel  
3414 facility site design and operating standards at five-year intervals from the date of issuance  
3415 of the permit.

3416           B. The periodic review is a Type 2 land use decision.

3417           C. The periodic review shall (~~determine~~):

3418 1. Determine ~~((W))~~whether the site is operating consistent with all existing  
3419 permit conditions and, if not, establish corrective actions; and

3420 2. ~~((That))~~ Apply the most current site design and operating standards ~~((are~~  
3421 ~~applied))~~ to the site through additional or revised permit conditions as necessary to  
3422 mitigate identifiable environmental, public health and public safety impacts.

3423 SECTION 60. Ordinance 10870, Section 444, as amended, and K.C.C.  
3424 21A.22.060 are hereby amended to read as follows:

3425 Except as otherwise provided ~~((for noneonforming mineral extraction operations))~~  
3426 in K.C.C. 21A.22.040, in addition to requirements in this title, all ~~((mineral extraction~~  
3427 ~~and materials processing operations))~~ uses regulated under this chapter shall comply with  
3428 the following standards:

3429 A. The minimum site area ~~((of a mineral extraction or materials processing~~  
3430 ~~operation))~~ shall be ten acres;

3431 B. ~~((Mineral extraction or materials processing operations e))~~On sites larger than  
3432 twenty acres, activities shall occur in phases to minimize environmental impacts. The  
3433 size of each phase shall be determined during the review process;

3434 C. If the department determines they are necessary to eliminate a safety hazard,  
3435 fences or alternatives to fences ~~((approved by the department,))~~ shall be:

3436 1. Provided in a manner that discourages access to areas of the site where:

3437 a. active extracting, processing, stockpiling and loading of materials is  
3438 occurring;

3439 b. boundaries are in common with residential or commercial zone property or  
3440 public lands; or

3441 c. any unstable slope or any slope exceeding a grade of forty percent is present;  
3442 2. At least six feet in height above the grade measured at a point five feet  
3443 outside the fence and the fence material shall have no opening larger than two inches;  
3444 3. Installed with lockable gates at all openings or entrances;  
3445 4. No more than four inches from the ground to fence bottom; and  
3446 5. Maintained in good repair;

3447 D. Warning and trespass signs advising of the ~~((mineral extraction or materials~~  
3448 ~~processing operation))~~ use shall be placed on the perimeter of the site adjacent to RA, UR  
3449 or R zones at intervals no greater than two hundred feet along any unfenced portion of the  
3450 site where the items noted in subsection C.1.~~((a. through e.))~~ of this section are present;

3451 E. Structural setbacks from property lines shall be as follows:

3452 1. Buildings, structures and stockpiles used in the processing of materials shall  
3453 be no closer than:

3454 a. one hundred feet from any residential zoned properties except that the  
3455 setback may be reduced to fifty feet when the grade where such building or structures are  
3456 proposed is fifty feet or greater below the grade of the residential zoned property;

3457 b. fifty feet from any other zoned property, except when adjacent to another  
3458 ~~((mineral extraction or materials processing site))~~ use regulated under this chapter;

3459 c. the greater of fifty feet from the edge of any public street or the setback from  
3460 residential zoned property on the far side of the street; and

3461 2. Offices, scale facilities, equipment storage buildings and stockpiles, including  
3462 those for reclamation, shall not be closer than fifty feet from any property line except  
3463 when adjacent to another ~~((mineral extraction or materials processing site))~~ use regulated

3464 under this chapter or M or F zoned property. Facilities necessary to control access to the  
3465 site, when demonstrated to have no practical alternative, may be located closer to the  
3466 property line;

3467 F. On-site clearing, grading or excavation, excluding that necessary for required  
3468 access, roadway or storm drainage facility construction or activities in accordance with  
3469 an approved reclamation plan, shall not be permitted within fifty feet of any property line  
3470 except along any portion of the perimeter adjacent to another (~~mineral extraction or~~  
3471 ~~materials processing operation~~) use regulated under this chapter or M or F zoned  
3472 property. If native vegetation is restored, temporary disturbance resulting from  
3473 construction of noise attenuation features located closer than fifty feet shall be permitted;

3474 G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except  
3475 using only plantings native to the surrounding area, shall be provided along any portion  
3476 of the site perimeter where site disturbances (~~such as site clearing and grading, or~~  
3477 ~~mineral extraction or materials processing is~~) associated with a use regulated under this  
3478 chapter are performed, except where adjacent to another (~~mineral extraction, materials~~  
3479 ~~processing or~~) use regulated under this chapter, forestry operation or M or F-zoned  
3480 property;

3481 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82  
3482 shall be applied; and

3483 I. Lighting shall:

3484 1. Be limited to that required for security, lighting of structures and equipment,  
3485 and vehicle operations; and

3486 2. Not directly glare onto surrounding properties.

3487            SECTION 61. Ordinance 10870, Section 445, as amended, and K.C.C.  
3488 21A.22.070 are hereby amended to read as follows:

3489            Operating conditions and performance standards for all clearing and grading  
3490 activity for a use regulated under this chapter shall be as specified in K.C.C. chapter  
3491 16.82 except:

3492            A.1. Noise levels (~~((produced by a mineral extraction or materials processing~~  
3493 ~~operation))~~) shall not exceed levels specified by K.C.C. chapter 12.86;

3494            2. Hours of operation (~~((for mineral extraction and materials processing~~  
3495 ~~facilities))~~), unless otherwise specified by the director, shall be between 7:00 a.m. and  
3496 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and  
3497 holidays;

3498            3. Before approving any variation of the hours of operation, the department  
3499 shall:

3500            a. determine whether on-site operations can comply with nighttime noise  
3501 standards in accordance with K.C.C. 12.86.110, and K.C.C. 12.86.120;

3502            b. determine whether the variance would cause significant adverse noise  
3503 impacts to the community in accordance with standards and methodologies developed by  
3504 the Federal Transit Administration, Federal Highway Administration or World Health  
3505 Organization, or any combination thereof, for evaluating noise impacts, or other  
3506 comparable standards and methods; and

3507            c. require mitigation for any identified impacts before the department approves  
3508 a variation in the hours of operation; and

3509           4. The director's decision to approve a variation in the hours of operation shall  
3510 be in writing and shall include a specific finding of compliance with the noise standards,  
3511 the facts and conclusions supporting that finding and any mitigation, conditions or  
3512 limitations imposed. All decisions made under this subsection shall be compiled by the  
3513 department and made available for public inspection;

3514           B. Blasting shall be conducted under an approved blasting plan:

3515           1. Consistent with the methods specified in the Office of Surface Mining  
3516 Enforcement and Reclamation 1987 Blasting Guidance Manual in a manner that protects  
3517 from damage all structures, excluding those owned and directly used by the operator, and  
3518 persons in the vicinity of the blasting area, including, but not limited to, adherence to the  
3519 following:

3520           a. Airblast levels shall not exceed one hundred thirty-three decibels measured  
3521 by a two Hz or lower flat response system at the nearest residential property or place of  
3522 public assembly;

3523           b. Flyrock shall not be cast one-half the distance to the nearest residential  
3524 property, place of public assembly or the property boundary, whichever is less. For the  
3525 purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior  
3526 to any enclosed structure, at ground surface, which separates the property of one or more  
3527 persons from that owned by others, and its vertical extension; and

3528           c. Ground motion shall not exceed ground vibration levels damaging to  
3529 structures using one of the four accepted methods in the Office of Surface Mining  
3530 Enforcement and Reclamation 1987 Blasting Guidance Manual;

3531           2. During daylight hours; and

3532           3. According to a time schedule, provided to residents within one-half mile of  
3533 the site, that features regular or predictable times, except in the case of an emergency. If  
3534 requested by a resident, the operator shall provide notice of changes in the time schedule  
3535 at least twenty four hours before the changes take effect;

3536           C.1. Dust and smoke (~~((produced by mineral extraction and materials processing~~  
3537 ~~operations))~~) shall be controlled by best management practices to comply with relevant  
3538 regulations of the Puget Sound Clean Air Agency.

3539           2. Dust and smoke (~~((from process facilities))~~) shall be controlled in accordance  
3540 with a valid operating permit from the Puget Sound Clean Air Agency, when required.  
3541 Copies of the permit shall be kept onsite and available for department and public  
3542 inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be  
3543 provided to the department on permit monitoring data submittal dates.

3544           3. Dust and smoke (~~((from process facilities))~~) shall not significantly increase the  
3545 existing levels of suspended particulates at the perimeter of the site;

3546           D. The applicant shall prevent rocks, dirt, mud and any raw or processed material  
3547 from spilling from or being tracked by trucks onto public roadways and shall be  
3548 responsible for cleaning debris or repairing damage to roadways caused by the operation;

3549           E. The applicant shall provide traffic control measures such as flaggers or  
3550 warning signs as determined by the department during all hours of operation;

3551           F. The operator shall control surface water and site discharges to comply with  
3552 K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the  
3553 stormwater pollution prevention manual. For the life of the (~~((mineral resource))~~)  
3554 operation and until site reclamation is complete, the operator shall maintain a valid

3555 Washington state Department of Ecology National Pollutant Discharge Elimination  
3556 System individual permit or maintain coverage under the sand and gravel general permit.  
3557 The operator shall keep onsite and available for department review copies of the erosion  
3558 and sediment control plan, the applicable National Pollution Discharge Elimination  
3559 System individual or general permit and the Stormwater Pollution Prevention Plan. The  
3560 operator shall make the plans and permit available for public inspection upon request.  
3561 The operator shall provide to the department copies of the monitoring results on permit  
3562 monitoring data submittal dates. The department shall make the monitoring results  
3563 available for public inspection. If the department determines that National Pollution  
3564 Discharge Elimination System monitoring frequency or type is not adequate to meet the  
3565 demands of the site and the requirements of this subsection, the department may require  
3566 more frequent and detailed monitoring and may require a program designed to bring the  
3567 site into compliance;

3568 G. The operator shall not excavate below the contours determined through  
3569 hydrologic studies necessary to protect groundwater and the upper surface of the  
3570 saturated groundwater that could be used for potable water supply;

3571 H. If contamination of surface or ground water by herbicides is possible, to the  
3572 maximum extent practicable, mechanical means shall be used to control noxious weeds  
3573 on the site;

3574 I. Upon depletion of ((~~mineral~~)) resources or abandonment of the site, the  
3575 operator shall remove all structures, equipment and appurtenances accessory to  
3576 operations; and

3577 J. If the operator fails to comply with this section, the department shall require  
3578 modifications to operations, procedures or equipment until compliance is demonstrated to  
3579 the satisfaction of the department. If the modifications are inconsistent with the approved  
3580 permit conditions, the department shall revise the permit accordingly.

3581 SECTION 62. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081  
3582 are hereby amended to read as follows:

3583 A. A valid clearing and grading permit shall be maintained on a mineral  
3584 extraction or coal mine site until the reclamation of the site required under chapter 78.44  
3585 RCW is completed.

3586 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be  
3587 submitted before the effective date of a zone reclassification in Mineral-zoned properties  
3588 or the acceptance of any development proposal for a subsequent use in Forest-zoned  
3589 properties. The zone reclassification shall grant potential zoning that is only to be  
3590 actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of  
3591 all requirements of the reclamation plan. Development proposals in the Forest zone for  
3592 uses subsequent to mineral extraction or coal mine operations shall not be approved until  
3593 demonstration of successful completion of all requirements of the reclamation plan  
3594 except that forestry activities may be permitted on portions of the site already fully  
3595 reclaimed.

3596 C. Mineral extraction and coal mine operations that are not required to have an  
3597 approved reclamation plan under chapter 78.44 RCW shall meet the following  
3598 requirements:

3599           1. Upon the exhaustion of minerals or materials or upon the permanent  
3600 abandonment of the quarrying or mining operation, all nonconforming buildings,  
3601 structures, apparatus or appurtenances accessory to the quarrying and mining operation  
3602 shall be removed or otherwise dismantled to the satisfaction of the director;

3603           2. Final grades shall:

3604           a. be such so as to encourage the uses permitted within the primarily  
3605 surrounding zone or, if applicable, the underlying or potential (~~(zone)~~) zoning  
3606 classification; and

3607           b. result in drainage patterns that reestablish natural conditions of water  
3608 velocity, volume, and turbidity within six months of reclamation and that precludes water  
3609 from collecting or becoming stagnant. Suitable drainage systems approved by the  
3610 department shall be constructed or installed where natural drainage conditions are not  
3611 possible or where necessary to control erosion. All constructed drainage systems shall be  
3612 designed consistent with the Surface Water Design Manual;

3613           3. All areas subject to grading or backfilling shall:

3614           a. incorporate only nonnoxious, nonflammable, noncombustible and  
3615 nonputrescible solids; and

3616           b. except for roads and areas incorporated into drainage facilities, be surfaced  
3617 with soil of a quality at least equal to the topsoil of the land areas immediately  
3618 surrounding, and to a depth of the topsoil of land area immediately surrounding six  
3619 inches, whichever is greater. The topsoil layer shall have an organic matter content of  
3620 eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original

3621 undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be  
3622 tilled or scarified before topsoil placement;

3623 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both  
3624 profile and plan view and blend with adjacent topography to a reasonable extent;

3625 5. Where excavation has penetrated the seasonal or permanent water table  
3626 creating a water body or wetland:

3627 a. All side slopes below the permanent water table and banks shall be graded  
3628 or shaped as to not constitute a safety hazard;

3629 b. Natural features and plantings to provide beneficial wetland functions and  
3630 promote wildlife habitat shall be provided; and

3631 c. Appropriate drainage controls shall be provided to stabilize the water level  
3632 and not create potential flooding hazards;

3633 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,  
3634 shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the  
3635 surrounding area and appropriate for the soil, moisture and exposure conditions;

3636 7. Waste or soil piles shall be used for grading, backfilling or surfacing if  
3637 permissible under this section, then covered with topsoil and planted in accordance with  
3638 subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill  
3639 in accordance with this chapter or as top soil in accordance with subsection C.3. of this  
3640 section shall be removed from the site; and

3641 8. Where excavation has exposed natural materials that may create polluting  
3642 conditions, including, but not limited to, acid-forming coals and metalliferous rock or  
3643 soil, such conditions shall be addressed to the satisfaction of the department. The final

3644 ground surface shall be graded so that surface water drains away from any such materials  
3645 remaining on the site.

3646 D. The department may modify any requirement of this section when not  
3647 applicable or if it conflicts with an approved subsequent use for the site.

3648 SECTION 63. Ordinance 15032, Section 34, and K.C.C. 21A.22.085 are hereby  
3649 amended to read as follows:

3650 The applicant shall mitigate adverse impacts resulting from the ((~~extraction or~~  
3651 ~~processing operations~~)) use regulated under this chapter and monitor to demonstrate  
3652 compliance with this chapter.

3653 SECTION 64. Sections 65 and 66 of this ordinance should constitute a new chapter  
3654 in K.C.C. Title 21A.

3655 NEW SECTION. SECTION 65. Within the sea level rise risk area the following  
3656 standards apply:

3657 A. All new, substantially improved, or converted residential or nonresidential  
3658 buildings shall be elevated on pilings and columns in a manner consistent with applicable  
3659 floodplain development standards in this title, K.C.C. Title 16, the Federal Emergency  
3660 Management Agency Coastal Construction Manual and other applicable requirements,  
3661 and in a manner that provides the following, at a minimum:

3662 1. The bottom of the lowest horizontal structural member of the lowest floor,  
3663 excluding the pilings or columns, is elevated to or above the sea level rise protection  
3664 elevation;

3665 2. The pile or column foundation and building attached thereto is anchored to  
3666 resist flotation, collapse and lateral movement due to the effects of flood water, wind and

3667 other loads as prescribed in this title acting simultaneously on all building components.  
3668 Wind and water loading values shall each have a one percent chance of being equaled or  
3669 exceeded in any given year; and

3670 3. All building utilities are elevated to or above the flood protection elevation.

3671 B. A registered professional engineer licensed by the state of Washington shall  
3672 prepare the structural design, specifications and plans for the building, and shall certify  
3673 that the design and methods of construction to be used are in accordance with accepted  
3674 standards of practice for meeting the provisions of subsection A. of this section, including  
3675 applicable floodplain development standards in this title, K.C.C. Title 16, the Federal  
3676 Emergency Management Agency Coastal Construction Manual and other applicable  
3677 requirements;

3678 C. The applicant shall provide a complete Federal Emergency Management  
3679 Agency elevation certificate on the most current version of the form completed by a land  
3680 surveyor licensed by the state of Washington documenting the elevation of the bottom of  
3681 the lowest structural member of the lowest floor, excluding pilings and columns, of all  
3682 new and substantially improved buildings and additions affixed to the side of a building.  
3683 The elevation certificate should note whether or not the buildings contain a basement.  
3684 The department shall maintain the Federal Emergency Management Agency elevation  
3685 certificates required by this section for public inspection and for certification under the  
3686 National Flood Insurance Program;

3687 D. All new buildings and substantial improvements to existing buildings shall  
3688 maintain the space below the lowest floor free of obstruction. Breakaway walls are  
3689 prohibited. The space can include nonsupporting open wood lattice-work or insect

3690 screening that is intended to collapse under wind and wave loads without causing  
3691 collapse, displacement or other structural damage to the elevated portion of the building  
3692 or supporting foundation system. The space below the lowest floor can be used only for  
3693 parking of vehicles, building access or limited storage of readily removable items. The  
3694 space shall not be used for human habitation;

3695 E. Fill for structural support of buildings is prohibited;

3696 F. All manufactured homes to be placed or substantially improved within the sea  
3697 level rise risk area shall meet the standards in subsections A. through E. of this section;  
3698 and

3699 G. The department shall provide notice to all applicants for new development or  
3700 redevelopment located within the sea level rise risk area that the development may be  
3701 impacted by sea level rise and recommend that the applicant voluntarily consider setting  
3702 the development back further than required by this title to allow for future sea level rise.

3703 NEW SECTION. SECTION 66.

3704 A. The director may approve sea level rise risk area variances to this chapter. In  
3705 reviewing and evaluating sea level rise risk area variance applications, the director shall  
3706 consider all technical evaluations and relevant factors, including, but not limited to:

3707 1. The danger that materials may be swept onto other lands to the injury of  
3708 others;

3709 2. The danger to life and property due to coastal flooding or erosion damage;

3710 3. The susceptibility of the proposed building or facility and its contents to flood  
3711 damage and the effect of the damage on the individual owner;

3712 4. The importance of the services provided by the proposed building or facility

3713 to the community;

3714 5. The necessity to the building or facility of a waterfront location;

3715 6. The availability of alternative locations for the proposed use that are not  
3716 subject to flooding or erosion damage;

3717 7. The potential of the proposed development to create an adverse effect on a  
3718 federally or state-protected species or habitat;

3719 8. The compatibility of the proposed use with existing and anticipated  
3720 development;

3721 9. The relationship of the proposed use to the Comprehensive Plan, shoreline  
3722 master program and flood hazard management plan;

3723 10. The safety of access to the property in times of flooding for ordinary and  
3724 emergency vehicles;

3725 11. The expected heights, velocity, duration, rate of rise, sediment transport of  
3726 the floodwaters and effects of wave action expected at the site;

3727 12. The costs of providing governmental services during and after flood  
3728 conditions, including emergency management services and maintenance and repair of  
3729 public utilities and facilities such as sewer, gas, electrical, water systems, streets and  
3730 bridges; and

3731 13. Current and future risks from sea level rise conditions anticipated to occur  
3732 over the next fifty years.

3733 B. The director may only approve a sea level rise risk area variance upon a  
3734 determination that:

3735 1. Failure to grant the sea level rise risk area variance would result in an

3736 exceptional hardship to the applicant;

3737           2. The granting of a sea level rise risk area variance will not result in additional  
3738 threats to public safety, extraordinary public expense, create nuisances, cause fraud on or  
3739 victimization of the public or conflict with existing laws or ordinances; and

3740           3. The sea level rise risk area variance is the minimum necessary, considering  
3741 the flood or erosion hazard, to afford relief.

3742           C. An applicant for sea level rise risk area variance shall be given a written notice  
3743 that the approval of the sea level rise risk area variance to construct a structure below the  
3744 sea level rise protection elevation established in this chapter in may result in higher future  
3745 flood insurance premium rates up to amounts as high as twenty-five dollars per one  
3746 hundred dollars of coverage and that the construction below the sea level rise protection  
3747 elevation increases risks to life and property.

3748           D.1. An application for a sea level rise risk area variance shall be submitted in  
3749 writing to the department of local services, permitting division, together with any  
3750 supporting documentation that demonstrates how the proposal meets the criteria in this  
3751 section.

3752           2. An application for a sea level rise risk area variance under this section shall  
3753 be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

3754           3. Sea level rise risk area variances that allow the establishment of a use not  
3755 otherwise permitted in the zone where the proposal is located shall not be permitted.

3756           4. The variance standards in K.C.C. 21A.44.030 and the alteration exception  
3757 standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk  
3758 area regulations of this chapter.

3759           5. The department shall maintain in perpetuity a record of all requests for  
3760 variances, including justification for their issuance.

3761           SECTION 67. Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are hereby  
3762 amended to read as follows:

3763           A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during  
3764 review of an application for a single detached dwelling unit, the director may approve an  
3765 alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated  
3766 buffer, landslide hazard area and associated buffer and critical area setback as follows:

3767           1. There is no feasible alternative to the development proposal with less adverse  
3768 impact on the critical area;

3769           2. The alteration is the minimum necessary to accommodate residential use of the  
3770 property;

3771           3. The approval does not require the modification of a critical area development  
3772 standard established by this chapter;

3773           4. The development proposal does not pose an unreasonable threat to the public  
3774 health, safety or welfare on or off the development proposal site and is consistent with the  
3775 general purposes of this chapter and the public interest;

3776           5. No more than five thousand square feet or ten percent of the site, whichever is  
3777 greater, are disturbed by structures, building setbacks or other land alteration, including  
3778 grading, utility installations and landscaping, but not including the area used for a driveway  
3779 or for an on-site sewage disposal system. For purposes of this section, areas located within  
3780 the shoreline jurisdiction that are below the ordinary high water mark shall not be included  
3781 in calculating the site area;

3782           6. The applicant submits an approved rural stewardship plan or forest stewardship  
3783 plan prepared in accordance with this chapter that addresses the development proposal and  
3784 the proposed use of the property; and

3785           7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

3786           B. The applicant for the waiver of the alteration exception process shall submit any  
3787 critical areas studies, alternatives analysis and other documents requested by the  
3788 department following a preapplication review meeting.

3789           C. Within fourteen calendar days after the department determines the application  
3790 under this section is complete, it shall provide written mailed notice of the proposed  
3791 alteration as provided in K.C.C. (~~20.20.080.H~~) 20.20.060.H.

3792           D. The department shall allow twenty-one calendar days for comment before  
3793 making a decision on the request under this section. The department's decision shall be  
3794 mailed to the applicant and to any other person who requests a copy. The decision shall  
3795 state the reasons for the decision and, if approved, shall include any required mitigation or  
3796 conditions.

3797           SECTION 68. Ordinance 10870, Section 478, as amended, and K.C.C.  
3798 21A.24.310 are hereby amended to read as follows:

3799           The following development standards apply to development proposals and  
3800 alterations on sites containing steep slope hazard areas:

3801           A. Except as provided in subsection D. of this section, unless allowed as an  
3802 alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.  
3803 21A.24.045 are allowed within a steep slope hazard area;

3804           B. A buffer is required from all edges of the steep slope hazard area. To

3805 eliminate or minimize the risk of property damage or injury resulting from slope  
3806 instability, landsliding or erosion caused in whole or part by the development, the  
3807 department shall determine the size of the buffer based upon a critical area report  
3808 prepared by a geotechnical engineer or geologist. The department of local services shall  
3809 adopt a public rule to implement this subsection, including implementing the  
3810 requirements for development and review of a critical area report.

3811 1. For new structures and substantial improvements to existing structures on  
3812 sites where any portion of the steep slope hazard area extends into the coastal high hazard  
3813 area or sea level rise risk area:

3814 ~~((H-a))~~ a. The critical area report shall include an assessment of current and  
3815 future risks of sea level rise conditions anticipated to occur over the next fifty years and a  
3816 recommended buffer;

3817 b. If a critical area report is not submitted to the department, the minimum  
3818 buffer shall be seventy-five feet;

3819 2. For all other development not identified in subsection B.1.:

3820 a. If a critical area report is not submitted to the department, the minimum  
3821 buffer ~~((is)) shall be fifty feet((-)); and~~

3822 b. For building permits for single detached dwelling units only, the department  
3823 may waive the special study requirement and authorize buffer reductions if the  
3824 department determines that the reduction will adequately protect the proposed  
3825 development and the critical area; ~~((and))~~

3826 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an  
3827 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is

3828 prohibited; and

3829 D. All alterations are allowed in the following circumstance:

3830 1. Slopes which are forty percent or steeper with a vertical elevation change of  
3831 up to twenty feet if no adverse impact will result from the exemption based on King  
3832 County's review of and concurrence with a soils report prepared by a geologist or  
3833 geotechnical engineer; and

3834 2. The approved regrading of any slope which was created through previous  
3835 legal grading activities. Any slope which remains forty percent or steeper following site  
3836 development shall be subject to all requirements for steep slopes.

3837 SECTION 69. Ordinance 15051, Section 179, as amended, and K.C.C.

3838 21A.24.316 are hereby amended to read as follows:

3839 The following development standards apply to development proposals and  
3840 alterations on sites containing critical aquifer recharge areas:

3841 A. Except as otherwise provided in subsection H. of this section, the following  
3842 new development proposals and alterations are not allowed on a site located in a category  
3843 I critical aquifer recharge area:

3844 1. Transmission pipelines carrying petroleum or petroleum products;

3845 2. Sand and gravel, and hard rock mining unless:

3846 a. the site has mineral zoning as of January 1, 2005; or

3847 b. mining is a permitted use on the site and the critical aquifer recharge area  
3848 was mapped after the date a complete application for mineral extraction on the site was  
3849 filed with the department;

3850 3. Mining of any type below the upper surface of the saturated ground water that

3851 could be used for potable water supply;

3852 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3853 5. Hydrocarbon extraction;

3854 6. Commercial wood treatment facilities on permeable surfaces;

3855 7. Underground storage tanks, including tanks that are exempt from the

3856 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter

3857 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.

3858 Title 17;

3859 8. Above-ground storage tanks for hazardous substances, as defined in chapter

3860 70.105 RCW, unless protected with primary and secondary containment areas and a spill

3861 protection plan;

3862 9. Golf courses;

3863 10. Cemeteries;

3864 11. Wrecking yards;

3865 12. Landfills for hazardous waste, municipal solid waste or special waste, as

3866 defined in K.C.C. chapter 10.04; and

3867 13. On lots smaller than one acre, an on-site septic system, unless:

3868 a. the system is approved by the Washington state Department of Health and

3869 has been listed by the Washington State Department of Health as meeting treatment

3870 standard N as provided in WAC chapter 426-~~(172A)~~272A; or

3871 b. the Seattle-King County department of public health determines that the

3872 systems required under subsection A.13.a. of this section will not function on the site.

3873 B. Except as otherwise provided in subsection H. of this section, the following

3874 new development proposals and alterations are not allowed on a site located in a category  
3875 II critical aquifer recharge area:

- 3876 1. Mining of any type below the upper surface of the saturated ground water that  
3877 could be used for potable water supply;
- 3878 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3879 3. Hydrocarbon extraction;
- 3880 4. Commercial wood treatment facilities located on permeable surfaces;
- 3881 5.a. Except for a category II critical aquifer recharge area located over an  
3882 aquifer underlying an island that is surrounded by saltwater, underground storage tanks  
3883 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the  
3884 requirements of chapter 173-360 WAC and K.C.C. Title 17; and
- 3885 b. For a category II critical aquifer recharge area located over an aquifer  
3886 underlying an island that is surrounded by saltwater, underground storage tanks,  
3887 including underground storage tanks exempt from the requirements of chapter 173-360  
3888 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply  
3889 with the standards in chapter 173-360 WAC and K.C.C. Title 17;
- 3890 6. Above-ground storage tanks for hazardous substances, as defined in chapter  
3891 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3892 protection plan;
- 3893 7. Wrecking yards;
- 3894 8. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3895 defined in K.C.C. chapter 10.04; and
- 3896 9. On lots smaller than one acre, an on-site septic systems, unless:

3897 a. the system is approved by the Washington state Department of Health and  
3898 has been listed by the Washington state Department of Health as meeting treatment  
3899 standard N as provided in WAC chapter 426-~~(172A)~~272A; or

3900 b. the Seattle-King County department of public health determines that the  
3901 systems required under subsection B.9.a. of this section will not function on the site.

3902 C. Except as otherwise provided in subsection H. of this section, the following  
3903 new development proposals and alterations are not allowed on a site located in a category  
3904 III critical aquifer recharge area:

- 3905 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3906 2. Hydrocarbon extraction;
- 3907 3. Commercial wood treatment facilities located on permeable surfaces;
- 3908 4. Underground storage tanks, including tanks exempt from the requirements of  
3909 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,  
3910 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
- 3911 5. Above ground storage tanks for hazardous substances, as defined in chapter  
3912 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3913 protection plan;
- 3914 6. Wrecking yards; and
- 3915 7. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3916 defined in K.C.C. chapter 10.04.

3917 D. The following standards apply to development proposals and alterations that  
3918 are substantial improvements on a site located in a critical aquifer recharge area:

- 3919 1. The owner of an underground storage tank, including a tank that is exempt

3920 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge  
3921 area or a category II critical aquifer recharge area located over an aquifer underlying ~~((an~~  
3922 ~~island that is surrounded by saltwater))~~ Vashon-Maury Island shall either bring the tank  
3923 into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly  
3924 decommission or remove the tank; and

3925 2. The owner of an underground storage tank in a category II critical aquifer  
3926 recharge area not located on located over an aquifer underlying ~~((an island that is~~  
3927 ~~surrounded by saltwater))~~ Vashon-Maury Island shall bring the tank into compliance with  
3928 the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly  
3929 decommission or remove the tank.

3930 E. In any critical aquifer recharge area, the property owner shall properly  
3931 decommission an abandoned well.

3932 F. On a site located in a critical aquifer recharge area within the urban growth  
3933 area, a development proposal for new residential development, including, but not limited  
3934 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management  
3935 practices included in the King County Surface Water Design Manual into the site design  
3936 in order to infiltrate stormwater runoff to the maximum extent practical.

3937 G. ~~((On an island surround by saltwater,))~~ For critical aquifer recharge areas on  
3938 Vashon-Maury Island:

3939 1. No new groundwater wells are permitted within a coastal high hazard area. A  
3940 rainwater catchment system may be used as an alternative water supply source for a  
3941 single family residence if the requirements of K.C.C. 13.04.070 are met;

3942 2. All new groundwater wells within a sea level rise risk area shall include a

3943 surface seal that prevents risks of saltwater contamination caused by sea level rise  
3944 conditions anticipated to occur over the next fifty years; and

3945 3. ~~((†))~~The owner of a new well located within ((two hundred feet of the  
3946 ~~ordinary high water mark of the marine shoreline and within a critical aquifer recharge~~  
3947 ~~area))~~ the sea level rise risk area shall test the well for chloride levels using testing  
3948 protocols approved by the Washington state Department of Health. The owner shall  
3949 report the results of the test to Seattle-King County department of public health and to the  
3950 department of natural resources and parks. If the test results indicate saltwater intrusion  
3951 is likely to occur, the department of natural resources and parks, in consultation with  
3952 Seattle-King County department of public health, shall recommend appropriate measures  
3953 in addition to the minimum requirements of this title to prevent saltwater intrusion.

3954 H. On a site greater than twenty acres, the department may approve a  
3955 development proposal otherwise prohibited by subsections A., B. and C. of this section if  
3956 the applicant demonstrates through a critical area~~((s))~~ report that the development  
3957 proposal is located outside the critical aquifer recharge area and that the development  
3958 proposal will not cause a significant adverse environmental impact to the critical aquifer  
3959 recharge area.

3960 I. The provisions relating to underground storage tanks in subsections A. through  
3961 D. of this section apply only when the proposed regulation of underground storage tanks  
3962 has been submitted to and approved by the Washington state department of ecology, in  
3963 accordance with 90.76.040 RCW and WAC 173-360-530.

3964 SECTION 70. Ordinance 15051, Section 185, as amended, and K.C.C.  
3965 21A.24.325 are hereby amended to read as follows:

3966 A. Except as otherwise provided in this section, buffers shall be provided from the  
 3967 wetland edge as follows:

3968 1. The buffers shown on the following table apply unless modified in accordance  
 3969 with subsections B., C., D. and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			
Wetlands of High Conservation Value	250 feet	190 feet	125 feet
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet

<b>Category II</b>			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category III</b>			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
<b>Category IV</b>	50 feet	40 feet	25 feet

3970                    2. For purposes of this subsection A., unless the director determines a lesser level  
3971 of impact is appropriate based on information provided by the applicant, the intensity of  
3972 impact of the adjacent land use is determined as follows:

- 3973                    a. High impact includes:
- 3974                    (1) sites zoned commercial or industrial;

- 3975 (2) commercial, institutional or industrial use on a site regardless of the  
3976 zoning (~~(designation)~~) classification;
- 3977 (3) nonresidential use on a site zoned for residential use;
- 3978 (4) high-intensity active recreation use on a site regardless of zoning, such as  
3979 golf courses, ball fields and similar use;
- 3980 (5) all sites within the Urban Growth Area; or
- 3981 (6) Residential zoning greater than one dwelling unit per acre;
- 3982 b. Moderate impact includes:
- 3983 (1) residential uses on sites zoned residential one dwelling unit per acre or less;
- 3984 (2) residential use on a site zoned rural area, agriculture or forestry;
- 3985 (3) agricultural uses without an approved farm management plan;
- 3986 (4) utility corridors or right-of-way shared by several utilities, including  
3987 maintenance roads; or
- 3988 (5) moderate-intensity active recreation or open space use, such as paved trails,  
3989 parks with biking, jogging and similar use; and
- 3990 c. Low impact includes:
- 3991 (1) forestry use on a site regardless of zoning (~~(designation)~~) classification;
- 3992 (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing  
3993 and camping areas, and other similar uses that do not require permanent structures, on a site  
3994 regardless of zoning;
- 3995 (3) agricultural uses carried out in accordance with an approved farm  
3996 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.  
3997 21A.24.045.D.54.; or

3998 (4) utility corridors without a maintenance road and little or no vegetation  
3999 maintenance.

4000 B. The department may approve a modification of the minimum buffer width  
4001 required by this section by averaging the buffer width if:

4002 1. The department determines that:

4003 a. the buffer averaging will improve wetland protection if the wetland has  
4004 significant differences in characteristics that effect habitat functions, such as a wetland with  
4005 a forested component adjacent to a degraded emergent component or a "dual-rated"  
4006 wetland with a Category I area adjacent to a lower-rated area; or

4007 b. averaging includes the corridors of a wetland complex; and

4008 2. The resulting buffer meets the following standards:

4009 a. the total area of the buffer after averaging is equivalent to or greater than the  
4010 area of the buffer before averaging;

4011 b. the additional buffer is contiguous with the standard buffer;

4012 c. the buffer at its narrowest point is never less than either seventy-five percent  
4013 of the required width or seventy-five feet for Category I and II, fifty feet for Category III,  
4014 and twenty-five feet for Category IV, whichever is greater;

4015 d. the averaged buffer will not result in degradation of wetland functions and  
4016 values as demonstrated by a critical area((s)) report from a qualified wetland professional;  
4017 and

4018 e. the buffer is increased adjacent to the higher functioning area of habitat or  
4019 more sensitive portion of the wetland and decreased adjacent to the lower-functioning or

4020 less-sensitive portion as demonstrated by a critical area((s)) report from a qualified wetland  
4021 professional.

4022 C. Wetland buffer widths shall also be subject to modifications under the following  
4023 special circumstances:

4024 1. For wetlands containing documented habitat for endangered, threatened or  
4025 species of local importance, the following shall apply:

4026 a. the department shall establish the appropriate buffer, based on a habitat  
4027 assessment, to ensure that the buffer provides adequate protection for the sensitive species;  
4028 and

4029 b. the department may apply the buffer reduction rules in subsection C.6. of this  
4030 section and the buffer averaging rules in subsection B. of this section;

4031 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard  
4032 area, the buffer width is the greater of the buffer width required by the wetland's category  
4033 in this section or the top of the hazard area;

4034 3. For a wetland complex located outside the Urban Growth Area established by  
4035 the King County Comprehensive Plan or located within the Urban Growth Area in a basin  
4036 designated as "high" on the Basin and Shoreline Conditions Map, which is included as  
4037 Attachment A to Ordinance 15051, the buffer width is determined as follows:

4038 a. the buffer width for each individual wetland in the complex is the same width  
4039 as the buffer width required for the category of wetland;

4040 b. if the buffer of a wetland within the complex does not touch or overlap with at  
4041 least one other wetland buffer in the complex, a corridor is required from the buffer of that  
4042 wetland to one other wetland buffer in the complex considering the following factors:

4043 (1) the corridor is designed to support maintaining viable wildlife species that  
4044 are commonly recognized to exclusively or partially use wetlands and wetland buffers  
4045 during a critical life cycle stage, such as breeding, rearing or feeding;

4046 (2) the corridor minimizes fragmentation of the wetlands;

4047 (3) higher category wetlands are connected through corridors before lower  
4048 category wetlands; and

4049 (4) the corridor width is a least twenty-five percent of the length of the corridor,  
4050 but no less than twenty-five feet in width; and

4051 (5) shorter corridors are preferred over longer corridors;

4052 c. wetlands in a complex that are connected by an aquatic area that flows  
4053 between the wetlands are not required to be connected through a corridor;

4054 d. the department may exclude a wetland from the wetland complex if the  
4055 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species  
4056 that are commonly recognized to exclusively or partially use wetlands and wetland buffers  
4057 during a critical life cycle stage, such as breeding, rearing or feeding; and

4058 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed  
4059 in corridors subject to the same conditions and requirements as wetland buffers as long as  
4060 the alteration is designed so as not to disrupt wildlife movement through the corridor;

4061 4. Where a legally established roadway transects a wetland buffer, the department  
4062 may approve a modification of the minimum required buffer width to the edge of the  
4063 roadway if the part of the buffer on the other side of the roadway sought to be reduced:

4064 a. does not provide additional protection of the proposed development or the  
4065 wetland; and

4066 b. provides insignificant biological, geological or hydrological buffer functions  
4067 relating to the other portion of the buffer adjacent to the wetland;

4068 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the  
4069 buffer widths shall be established under the rural stewardship plan and shall not exceed the  
4070 standard for a low impact land use, unless the department determines that a larger buffer is  
4071 necessary to achieve no net loss of wetland ecological function; and

4072 6. The buffer widths required for proposed land uses with high intensity impacts  
4073 to wetlands can be reduced to those required for moderate intensity impacts under the  
4074 following conditions:

4075 a. For wetlands that score moderate or high for habitat, which means six points  
4076 or higher, the width of the buffer can be reduced if both of the following criteria are met:

4077 (1) A relatively undisturbed vegetated corridor at least one-hundred feet wide  
4078 is protected between the wetland and any other Priority Habitats as defined by the  
4079 Washington state Department of Fish and Wildlife in the priority habitat and species list.  
4080 The corridor must be protected for the entire distance between the wetland and the  
4081 priority habitat and legally recorded via a conservation easement; and

4082 (2) Measures to minimize the impacts of different land uses on wetlands as  
4083 identified in subsection C.6.b. of this section are applied; and

4084 b. For wetlands that score low for habitat, which means less than six points, the  
4085 buffer width can be reduced to that required for moderate intensity impacts by applying  
4086 measures to minimize impacts of the proposed land uses, as follows:

<b>Disturbance</b>	<b>Measures to minimize impacts</b>
Lights	Direct lights away from wetland.

Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.

4087 D. The department may approve a modification to the buffers established in  
4088 subsection A. of this section if the wetland was created or its characterization was upgraded  
4089 as part of a voluntary enhancement or restoration project.

4090 E. If the site is located within the shoreline jurisdiction, the department shall  
4091 determine that a proposal to reduce wetland buffers under this section will result in no net  
4092 loss of shoreline ecological functions.

4093 SECTION 71. Ordinance 3688, Section 303, as amended, and K.C.C.  
4094 21A.25.050 are hereby amended to read as follows:

4095 A. The requirements of the shoreline master program apply to all uses and  
4096 development occurring within the shoreline jurisdiction. The King County shoreline  
4097 jurisdiction consists of shorelines, shorelines of statewide significance, and shorelands as  
4098 defined in RCW 90.58.030 and K.C.C. chapter 21A.06, and the one-hundred-year  
4099 floodplain.

4100 B. The shoreline jurisdiction does not include tribal reservation lands and lands  
4101 held in trust by the federal government for tribes. Nothing in the King County shoreline  
4102 master program or action taken under that program shall affect any treaty right to which  
4103 the United States is a party.

4104 C. The lakes and segments of rivers and streams constituting the King County  
4105 shoreline jurisdiction are set forth in Attachment ~~((K))~~ H to ~~((Ordinance 17485))~~ this  
4106 ordinance. The King County shoreline jurisdiction is shown on a map adopted in chapter  
4107 6 of the King County Comprehensive Plan. If there is a discrepancy between the map  
4108 and the criteria established in subsection A. of this section, the criteria shall constitute the  
4109 official King County shoreline jurisdiction. The county shall update the shoreline master

4110 program to reflect the new designation within three years of the discovery of the  
4111 discrepancy.

4112 SECTION 72. Ordinance 10870, Section 536, as amended, and K.C.C.

4113 21A.30.080 are hereby amended to read as follows:

4114 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one  
4115 or more home occupations as accessory activities, only if:

4116 A. The total floor area of the dwelling unit devoted to all home occupations shall  
4117 not exceed twenty percent of the floor area of the dwelling unit.

4118 B. Areas within garages and storage buildings shall not be considered part of the  
4119 dwelling unit and may be used for activities associated with the home occupation;

4120 C. All the activities of the home occupation or occupations shall be conducted  
4121 indoors, except for those related to growing or storing of plants used by the home  
4122 occupation or occupations;

4123 D. A home occupation or occupations is not limited in the number of employees  
4124 that remain off-site. No more than one nonresident employee shall be permitted to work  
4125 on-site for the home occupation or occupations;

4126 E. The following uses, by the nature of their operation or investment, tend to  
4127 increase beyond the limits permitted for home occupations. Therefore, the following shall  
4128 not be permitted as home occupations:

- 4129 1. Automobile, truck and heavy equipment repair;
- 4130 2. Auto body work or painting;
- 4131 3. Parking and storage of heavy equipment;
- 4132 4. Storage of building materials for use on other properties;

- 4133           5. Hotels, motels or organizational lodging;
- 4134           6. Dry cleaning;
- 4135           7. Towing services;
- 4136           8. Trucking, storage or self service, except for parking or storage of one  
4137 commercial vehicle used in home occupation;
- 4138           9. Veterinary clinic; and
- 4139           10. Recreational marijuana processor, recreational marijuana producer or  
4140 recreational marijuana retailer(~~;~~ and
- 4141           11. ~~Winery, brewery, distillery facility I, II and III, and remote tasting room,~~  
4142 ~~except that home occupation adult beverage businesses operating under an active~~  
4143 ~~Washington state Liquor and Cannabis Board production license issued for their current~~  
4144 ~~location before December 31, 2019, and where King County did not object to the location~~  
4145 ~~during the Washington state Liquor and Cannabis Board license application process, shall~~  
4146 ~~be considered legally nonconforming and allowed to remain in their current location~~  
4147 ~~subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this~~  
4148 ~~section as of December 31, 2019. Such nonconforming businesses shall remain subject~~  
4149 ~~to all other requirements of this section and other applicable state and local regulations.~~  
4150 ~~The resident operator of a nonconforming winery, brewery or distillery home occupation~~  
4151 ~~shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74));~~
- 4152           F. In addition to required parking for the dwelling unit, on-site parking is provided  
4153 as follows:
- 4154           1. One stall for each nonresident employed by the home occupations; and
- 4155           2. One stall for patrons when services are rendered on-site;

4156 G. Sales are limited to:  
4157 1. Mail order sales;  
4158 2. Telephone, Internet or other electronic commerce sales with off-site delivery;  
4159 and  
4160 3. Items accessory to a service provided to patrons who receive services on the  
4161 premises;  
4162 H. On-site services to patrons are arranged by appointment;  
4163 I. The home occupation or occupations use or store a vehicle for pickup of  
4164 materials used by the home occupation or occupations or the distribution of products from  
4165 the site, only if:  
4166 1. No more than one such a vehicle is allowed; and  
4167 2. The vehicle is not stored within any required setback areas of the lot or on  
4168 adjacent streets; and  
4169 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one  
4170 ton;  
4171 J. The home occupation or occupations do not:  
4172 1. Use electrical or mechanical equipment that results in a change to the  
4173 occupancy type of the structure or structures used for the home occupation or occupations;  
4174 or  
4175 2. Cause visual or audible interference in radio or television receivers, or  
4176 electronic equipment located off-premises or fluctuations in line voltage off-premises;  
4177 K. There shall be no exterior evidence of a home occupation, other than growing or  
4178 storing of plants under subsection C. of this section or a permitted sign, that would cause

4179 the premises to differ from its residential character. Exterior evidence includes, but is not  
4180 limited to, lighting, the generation or emission of noise, fumes or vibrations as determined  
4181 by using normal senses from any lot line or on average increase vehicular traffic by more  
4182 than four additional vehicles at any given time;

4183 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00  
4184 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

4185 M. Uses not allowed as home occupations may be allowed as a home industry  
4186 under K.C.C. 21A.30.090.

4187 SECTION 73. Ordinance 15606, Section 20, as amended, and K.C.C.  
4188 21A.30.085 are hereby amended to read as follows:

4189 In the A, F and RA zones, residents of a dwelling unit may conduct one or more  
4190 home occupations as accessory activities, under the following provisions:

4191 A. The total floor area of the dwelling unit devoted to all home occupations shall  
4192 not exceed twenty percent of the dwelling unit.

4193 B. Areas within garages and storage buildings shall not be considered part of the  
4194 dwelling unit and may be used for activities associated with the home occupation;

4195 C. Total outdoor area of all home occupations shall be permitted as follows:

4196 1. For any lot less than one acre: Four hundred forty square feet; and

4197 2. For lots one acre or greater: One percent of the area of the lot, up to a  
4198 maximum of five thousand square feet.

4199 D. Outdoor storage areas and parking areas related to home occupations shall be:

4200 1. No less than twenty-five feet from any property line; and

4201           2. Screened along the portions of such areas that can be seen from an adjacent  
4202 parcel or roadway by the:

4203           a. planting of Type II landscape buffering; or

4204           b. use of existing vegetation that meets or can be augmented with additional  
4205 plantings to meet the intent of Type II landscaping;

4206           E. A home occupation or occupations is not limited in the number of employees  
4207 that remain off-site. Regardless of the number of home occupations, the number of  
4208 nonresident employees is limited to no more than three who work on-site at the same time  
4209 and no more than three who report to the site but primarily provide services off-site;

4210           F. In addition to required parking for the dwelling unit, on-site parking is provided  
4211 as follows:

4212           1. One stall for each nonresident employed on-site; and

4213           2. One stall for patrons when services are rendered on-site;

4214           G. Sales are limited to:

4215           1. Mail order sales;

4216           2. Telephone, Internet or other electronic commerce sales with off-site delivery;

4217           3. Items accessory to a service provided to patrons who receive services on the  
4218 premises;

4219           4. Items grown, produced or fabricated on-site; and

4220           5. On sites five acres or larger, items that support agriculture, equestrian or  
4221 forestry uses except for the following:

4222           a. motor vehicles and parts (North American Industrial Classification System  
4223 ("NAICS" Code 441);

4224           b. electronics and appliances (NAICS Code 443); and

4225           c. building material and garden equipments and supplies (NAICS Code 444);

4226           H. The home occupation or occupations do not:

4227           1. Use electrical or mechanical equipment that results in a change to the

4228 occupancy type of the structure or structures used for the home occupation or occupations;

4229           2. Cause visual or audible interference in radio or television receivers, or

4230 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

4231           3. Increase average vehicular traffic by more than four additional vehicles at any

4232 given time;

4233           I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00

4234 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

4235           J. The following uses, by the nature of their operation or investment, tend to

4236 increase beyond the limits permitted for home occupations. Therefore, the following shall

4237 not be permitted as home occupations:

4238           1. Hotels, motels or organizational lodging;

4239           2. Dry cleaning;

4240           3. Automotive towing services, automotive wrecking services and tow-in parking

4241 lots; and

4242           4. Recreational marijuana processor, recreational marijuana producer or

4243 recreational marijuana retailer(~~;~~ and

4244           5. ~~Winery, brewery, distillery facility I, II and III, and remote tasting rooms,~~

4245 ~~except that home occupation adult beverage businesses operating under an active~~

4246 ~~Washington state Liquor and Cannabis Board production license issued for their current~~

4247 ~~location before December 31, 2019, and where King County did not object to the location~~  
4248 ~~during the Washington state Liquor and Cannabis Board license application process, shall~~  
4249 ~~be considered legally nonconforming and allowed to remain in their current location~~  
4250 ~~subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this~~  
4251 ~~section as of December 31, 2019. Such nonconforming businesses shall remain subject~~  
4252 ~~to all other requirements of this section and all applicable state and local regulations. The~~  
4253 ~~resident operator of a nonconforming home occupation winery, brewery or distillery shall~~  
4254 ~~obtain an adult beverage business license in accordance with K.C.C. chapter 6.74));~~

4255 K. Uses not allowed as home occupation may be allowed as a home industry under  
4256 K.C.C. chapter 21A.30; and

4257 L. The home occupation or occupations may use or store vehicles, as follows:

4258 1. The total number of vehicles for all home occupations shall be:

4259 a. for any lot five acres or less: two;

4260 b. for lots greater than five acres: three; and

4261 c. for lots greater than ten acres: four;

4262 2. The vehicles are not stored within any required setback areas of the lot or on  
4263 adjacent streets; and

4264 3. The parking area for the vehicles shall not be considered part of the outdoor  
4265 storage area provided for in subsection C. of this section.

4266 SECTION 74. Ordinance 10870, Section 537, as amended, and K.C.C.

4267 21A.30.090 are hereby amended to read as follows:

4268 A resident may establish a home industry as an accessory activity, as follows:

4269 A. The site area is one acre or greater;

4270 B. The area of the dwelling unit used for the home industry does not exceed fifty  
4271 percent of the floor area of the dwelling unit.

4272 C. Areas within attached garages and storage buildings shall not be considered part  
4273 of the dwelling unit for purposes of calculating allowable home industry area but may be  
4274 used for storage of goods associated with the home industry;

4275 D. No more than six nonresidents who work on-site at the time;

4276 E. In addition to required parking for the dwelling unit, on-site parking is provided  
4277 as follows:

4278 1. One stall for each nonresident employee of the home industry; and

4279 2. One stall for customer parking;

4280 F. Additional customer parking shall be calculated for areas devoted to the home  
4281 industry at the rate of one stall per:

4282 1. One thousand square feet of building floor area; and

4283 2. Two thousand square feet of outdoor work or storage area;

4284 G. Sales are limited to items produced on-site, except for items collected, traded  
4285 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

4286 H. Ten feet of Type I landscaping are provided around portions of parking and  
4287 outside storage areas that are otherwise visible from adjacent properties or public rights-of-  
4288 way;

4289 I. The department ensures compatibility of the home industry by:

4290 1. Limiting the type and size of equipment used by the home industry to those that  
4291 are compatible with the surrounding neighborhood;

- 4292           2. Providing for setbacks or screening as needed to protect adjacent residential  
4293 properties;
- 4294           3. Specifying hours of operation;
- 4295           4. Determining acceptable levels of outdoor lighting; and
- 4296           5. Requiring sound level tests for activities determined to produce sound levels  
4297 that may be in excess of those in K.C.C. chapter 12.88; and

4298           J. Recreational marijuana processors, recreational marijuana producers and  
4299 recreational marijuana retailers shall not be allowed as home industry(~~;~~ and

4300           ~~K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall~~  
4301 ~~not be allowed as home industry, except that home industry adult beverage businesses~~  
4302 ~~that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit~~  
4303 ~~application before December 31, 2019, shall be considered legally nonconforming and~~  
4304 ~~allowed to remain in their current location subject to K.C.C. 21A.32.020 through~~  
4305 ~~21A.32.075. Such nonconforming businesses remain subject to all other requirements of~~  
4306 ~~this section and all applicable state and local regulations. The resident operator of a~~  
4307 ~~nonconforming winery, brewery or distillery home industry shall obtain an adult~~  
4308 ~~beverage business license in accordance with K.C.C. chapter 6.74)).~~

4309           SECTION 75. Ordinance 10870, Section 539, as amended, and K.C.C.  
4310 21A.32.020 are hereby amended to read as follows:

4311           A. (~~With the exception of~~) This chapter shall apply to all nonconformances,  
4312 except:

4313 1. ~~((n))~~Nonconforming ~~((extractive))~~ operations ~~((identified in))~~ regulated by  
4314 K.C.C. chapter 21A.22~~((, all nonconformances shall be subject to the provisions of this~~  
4315 ~~chapter))~~; and

4316 2. Fossil fuel facilities regulated by K.C.C. 21A.08.100.

4317 B. This chapter does not supersede or relieve a property owner from compliance  
4318 with(~~:~~

4319 1. ~~The International Building and Fire Codes; or~~

4320 2. ~~The provisions of this code beyond the specific nonconformance addressed by~~  
4321 ~~this chapter~~) local, state and federal regulations and laws that apply to the property and  
4322 structures and uses thereon.

4323 SECTION 76. Ordinance 10870, Section 547, as amended, and K.C.C.

4324 21A.32.100 are hereby amended to read as follows:

4325 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be  
4326 required for any of the following:

4327 A. A use not otherwise permitted in the zone that can be made compatible for a  
4328 period of up to sixty days a year; or

4329 B. The expansion of an established use that:

4330 1. Is otherwise allowed in the zone;

4331 2. Is not inconsistent with the original land use approval;

4332 3. Exceeds the scope of the original land use approval; and

4333 4. Can be made compatible with the zone for a period of up to sixty days a

4334 year(~~;~~~~or~~

4335 ~~C. Events at a winery, brewery, distillery facility or remote tasting room that~~

- 4336 ~~include one or more of the following activities:~~
- 4337           1. ~~Exceeds the permitted building occupancy;~~
- 4338           2. ~~Utilizes portable toilets;~~
- 4339           3. ~~Utilizes parking that exceeds the maximum number of spaces allowed by this~~
- 4340 ~~title on-site or utilizes off-site parking;~~
- 4341           4. ~~Utilizes temporary stages;~~
- 4342           5. ~~Utilizes temporary tents or canopies that require a permit;~~
- 4343           6. ~~Requires traffic control for public rights-of-way; or~~
- 4344           7. ~~Extends beyond allowed hours of operation)).~~

4345           SECTION 77. Ordinance 10870, Section 548, as amended, and K.C.C.

4346           21A.32.110 are hereby amended to read as follows:

4347           A. The following uses shall be exempt from requirements for a temporary use

4348 permit when located in the RB, CB, NB, O or I zones for the time period specified below:

- 4349           1. Uses not to exceed a total of thirty days each calendar year:
- 4350           a. Christmas tree lots;
- 4351           b. Fireworks stands; and
- 4352           c. Produce stands.
- 4353           2. Uses not to exceed a total of fourteen days each calendar year:
- 4354           a. Amusement rides, carnivals or circuses;
- 4355           b. Community festivals; and
- 4356           c. Parking lot sales.

4357           B. Any use not exceeding a cumulative total of two days each calendar year shall

4358 be exempt from requirements for a temporary use permit.

4359 C. Any community event held in a park and not exceeding a period of seven days  
4360 shall be exempt from requirements for a temporary use permit.

4361 D. Christmas tree sales not exceeding a total of 30 days each calendar year when  
4362 located on Rural Area (RA) zoned property with legally established non-residential uses  
4363 shall be exempt from requirements for a temporary use permit.

4364 ~~((E.1. Events at a winery, brewery, distillery facility II or III shall not require a  
4365 temporary use permit if:~~

4366 ~~a. The business is operating under an active Washington state Liquor and  
4367 Cannabis Board production license issued for their current location before December 31,  
4368 2019, and where King County did not object to the location during the Washington state  
4369 Liquor and Cannabis Board license application process;~~

4370 ~~b. The parcel is at least eight acres in size;~~

4371 ~~c. The structures used for the event maintain a setback of at least one hundred  
4372 fifty feet from interior property lines;~~

4373 ~~d. The parcel is located in the RA zone;~~

4374 ~~e. The parcel has access directly from and to a principal arterial or state  
4375 highway;~~

4376 ~~f. The event does not use amplified sound outdoors before 12:00 p.m. or after  
4377 8:00 p.m.~~

4378 ~~2. Events that meet the provisions in this subsection E. shall not be subject to  
4379 the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than  
4380 an annual average of eight days per month.))~~

4381 SECTION 78. Ordinance 10870, Section 549, as amended, and K.C.C.

4382 21A.32.120 are hereby amended to read as follows:

4383           Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,  
4384 temporary use permits shall be limited in duration and frequency as follows:

4385           A. The temporary use permit shall be effective for one year from the date of  
4386 issuance and may be renewed annually as provided in subsection D. of this section;

4387           B.~~((1-))~~ The temporary use shall not exceed a total of sixty days in any three-  
4388 hundred-sixty-five-day period. This subsection B.~~((1-))~~ applies only to the days that the  
4389 event or events actually take place. For a winery in the A or RA zones, the temporary use  
4390 shall not exceed a total of two events per month and all parking for the events must be  
4391 accommodated on site~~((-~~

4392           2. ~~For a winery, brewery, distillery facility II and III in the A zone, the~~  
4393 ~~temporary use shall not exceed a total of two events per month and all event parking must~~  
4394 ~~be accommodated on-site or managed through a parking management plan approved by~~  
4395 ~~the director. This subsection B.2. applies only to the days that the event or events~~  
4396 ~~actually take place.~~

4397           3. ~~For a winery, brewery, distillery facility II and III in the RA zone, the~~  
4398 ~~temporary use shall not exceed a total of twenty four days in any three hundred sixty-~~  
4399 ~~five day period and all event parking must be accommodated on-site or managed through~~  
4400 ~~a parking management plan approved by the director. This subsection B.3. applies only~~  
4401 ~~to the days that the event or events actually take place.~~

4402           4. ~~For a winery, brewery, distillery facility II in the A or RA zones, in addition~~  
4403 ~~to all other relevant facts, the department shall consider building occupancy and parking~~  
4404 ~~limitations during permit review, and shall condition the number of guests allowed for a~~

4405 ~~temporary use based on those limitations. The department shall not authorize attendance~~  
4406 ~~of more than one hundred fifty guests.~~

4407 ~~5. For a winery, brewery, distillery facility III in the A or RA zones, in addition~~  
4408 ~~to all other relevant facts, the department shall consider building occupancy and parking~~  
4409 ~~limitations during permit review, and shall condition the number of guests allowed for a~~  
4410 ~~temporary use based on those limitations. The department shall not authorize attendance~~  
4411 ~~of more than two hundred fifty guests.~~

4412 ~~6. Events for any winery, brewery, distillery facility I in the RA zone, any~~  
4413 ~~nonconforming winery, brewery, distillery facility home occupation, or any~~  
4414 ~~nonconforming winery, brewery, distillery facility home industry shall be limited to two~~  
4415 ~~per year, and limited to a maximum of fifty guests. If the event complies with this~~  
4416 ~~subsection B.6., a temporary use permit is not required for a special event for a winery,~~  
4417 ~~brewery, distillery facility I in the RA zone, a nonconforming home occupation winery,~~  
4418 ~~brewery, distillery facility or a nonconforming home industry winery, brewery, distillery~~  
4419 ~~facility.~~

4420 ~~7. For a winery, brewery, distillery facility II and III in the RA zone, events~~  
4421 ~~exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use~~  
4422 ~~permit shall not be subject to the provisions of this section));~~

4423 C. The temporary use permit shall specify a date upon which the use shall be  
4424 terminated and removed; and

4425 D. A temporary use permit may be renewed annually for up to a total of five  
4426 consecutive years as follows:

- 4427           1. The applicant shall make a written request and pay the applicable permit  
4428 extension fees for renewal of the temporary use permit at least seventy days before the  
4429 end of the permit period;
- 4430           2. The department must determine that the temporary use is being conducted in  
4431 compliance with the conditions of the temporary use permit;
- 4432           3. The department must determine that site conditions have not changed since  
4433 the original temporary permit was issued; and
- 4434           4. At least forty-five days before the end of the permit period, the department  
4435 shall notify property owners within five hundred feet of the property boundaries that a  
4436 temporary use permit extension has been requested and contact information to request  
4437 additional information or to provide comments on the proposed extension.

4438           SECTION 79. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010  
4439 are hereby amended to read as follows:

4440           A. The purpose of the transfer of development rights program is to transfer  
4441 residential density from eligible sending sites to eligible receiving sites through a  
4442 voluntary process that permanently preserves urban, rural((;)) and resource ((and urban  
4443 separator)) lands that provide a public benefit. The TDR provisions are intended to  
4444 supplement land use regulations, resource protection efforts and open space acquisition  
4445 programs and to encourage increased residential development density or increased  
4446 commercial square footage, especially inside cities, where it can best be accommodated  
4447 with the least impacts on the natural environment and public services by:

- 4448           1. Providing an effective and predictable incentive process for property owners  
4449 of rural, resource and urban separator land to preserve lands with a public benefit as

4450 described in K.C.C. 21A.37.020; and

4451           2. Providing an efficient and streamlined administrative review system to ensure  
4452 that transfers of development rights to receiving sites are evaluated in a timely way and  
4453 balanced with other county goals and policies, and are adjusted to the specific conditions  
4454 of each receiving site.

4455           B. The TDR provisions in this chapter shall only apply to TDR receiving site  
4456 development proposals submitted on or after September 17, 2001, and applications for  
4457 approval of TDR sending sites submitted on or after September 17, 2001.

4458           SECTION 80. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020  
4459 are hereby amended to read as follows:

4460           A. For the purpose of this chapter, sending site means the entire tax lot or lots  
4461 qualified under ~~((subsection B. of))~~ this subsection. Sending sites ~~((may only be located  
4462 within rural or resource lands or urban separator areas with R-1 zoning, as designated by  
4463 the King County Comprehensive Plan, and shall meet))~~ shall:

4464           1. Contain a public benefit such that preservation of that benefit by transferring  
4465 residential development rights to another site is in the public interest;

4466           2. Meet at least one of the following criteria:

4467           a. designation in the King County Comprehensive Plan or a functional plan as  
4468 an agricultural production district or zoned A;

4469           b. designation in the King County Comprehensive Plan or a functional plan as  
4470 forest production district or zoned F;

4471           c. designation in the King County Comprehensive Plan as Rural Area, zoned  
4472 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, of

4473 farm and agricultural land or of timber land;  
4474 d. designation in the King County Comprehensive Plan or a functional plan as  
4475 a proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural  
4476 Resource Land open space site, through either:  
4477 (1) designation of a specific site; or  
4478 (2) identification of proposed Rural Area or Natural Resource Land regional  
4479 trail or Rural Area or Natural Resource Land open space sites which meet adopted  
4480 standards and criteria, and for Rural Area or Natural Resource Land open space sites,  
4481 meet the definition of open space land, as defined in RCW 84.34.020;  
4482 e. identification as habitat for federally listed endangered or threatened species  
4483 in a written determination by the King County department of natural resources and parks,  
4484 Washington state Department of Fish and Wildlife, United States Fish and Wildlife  
4485 Services or a federally recognized tribe that the sending site is appropriate for  
4486 preservation or acquisition;  
4487 f. designation in the King County Comprehensive Plan as urban separator and  
4488 zoned R-1; or  
4489 g.(1) designation in the King County Comprehensive Plan as urban residential  
4490 medium or urban residential high;  
4491 (2) zoned R-4, R-6, R-8, R-12, R-18, R-24 or R-48; and  
4492 (3) approved for conservation futures tax funding by the King County  
4493 council;  
4494 3. Consist of one or more contiguous lots that have a combined area that meets  
4495 or exceeds the minimum lot area for construction requirements in K.C.C. 21A.12.100 for

4496 the zone in which the sending site is located. For purposes of this subsection, lots divided  
4497 by a street are considered contiguous if the lots would share a common lot line if the  
4498 street was removed. This provision may be waived by the interagency committee if the  
4499 total acreage of a rural or resource sending site application exceeds one hundred acres;  
4500 and

4501 4. Not be in public ownership, ((E))except:

4502 a. as provided in K.C.C. 21A.37.110.C.((, - 0F));

4503 b. for lands zoned RA that are managed by the Washington state Department  
4504 of Natural Resources as state grant or state forest lands((, land in public ownership may  
4505 not be sending sites. If the sending site consists of more than one tax lot, the lots must be  
4506 contiguous and the area of the combined lots must meet the minimum lot area for  
4507 construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is  
4508 located. For purposes of this section, lots divided by a street are considered contiguous if  
4509 the lots would share a common lot line if the street was removed; this provision may be  
4510 waived by the interagency committee if the total acreage of a rural or resource sending  
4511 site application exceeds one hundred acres. A sending site shall be maintained in a  
4512 condition that is consistent with the criteria in this section under which the sending was  
4513 qualified.

4514 B. Qualification of a sending site shall demonstrate that the site contains a public  
4515 benefit such that preservation of that benefit by transferring residential development  
4516 rights to another site is in the public interest. A sending site must meet at least one of the  
4517 following criteria:

4518 1. Designation in the King County Comprehensive Plan or a functional plan as

4519 an agricultural production district or zoned A;

4520           2. Designation in the King County Comprehensive Plan or a functional plan as

4521 forest production district or zoned F;

4522           3. Designation in the King County Comprehensive Plan as rural residential,

4523 zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open

4524 space, farm and agricultural land, or timber land;

4525           4. Designation in the King County Comprehensive Plan, or a functional plan as

4526 a proposed rural or resource area regional trail or rural or resource area open space site,

4527 through either:

4528           a. designation of a specific site; or

4529           b. identification of proposed rural or resource area regional trail or rural or

4530 resource area open space sites which meet adopted standards and criteria, and for rural or

4531 resource area open space sites, meet the definition of open space land, as defined in RCW

4532 84.34.020;

4533           5. Identification as habitat for federal listed endangered or threatened species in

4534 a written determination by the King County department of natural resources and parks,

4535 Washington state Department of Fish and Wildlife, United States Fish and Wildlife

4536 Services or a federally recognized tribe that the sending site is appropriate for

4537 preservation or acquisition; or

4538           6. Designation in the King County Comprehensive Plan as urban separator and

4539 zoned R-1)); or

4540           c. for lands that are managed by King County for purposes of residential or

4541 commercial development.

4542            ~~((E:))~~ B. For the purposes of the TDR program, acquisition means obtaining fee  
4543 simple rights in real property(~~(s)~~) or a (~~less than a fee simple~~) property right in a form  
4544 that preserves in perpetuity the public benefit supporting the designation or qualification  
4545 of the property as a sending site. A sending site shall be maintained in a condition that is  
4546 consistent with the criteria in this section under which the sending was qualified.

4547            ~~((D:))~~ C. If a sending site has any outstanding code violations, the person  
4548 responsible for code compliance should resolve these violations, including any required  
4549 abatement, restoration, or payment of civil penalties, before a TDR sending site may be  
4550 qualified by the interagency review committee created under K.C.C. 21A.37.070.  
4551 However, the interagency may qualify and certify a TDR sending site with outstanding  
4552 code violations if the person responsible for code compliance has made a good faith  
4553 effort to resolve the violations and the proposal is in the public interest.

4554            ~~((E:))~~ D. For lots on which the entire lot or a portion of the lot has been cleared or  
4555 graded in accordance with a Class II, III or IV special forest practice as defined in chapter  
4556 76.09 RCW within the six years (~~(prior to)~~) before application as a TDR sending site, the  
4557 applicant must provide an affidavit of compliance with the reforestation requirements of  
4558 the Forest Practices Act, and any additional reforestation conditions of their forest  
4559 practice permit. Lots on which the entire lot or a portion of the lot has been cleared or  
4560 graded without any required forest practices or county authorization, shall be not  
4561 qualified or certified as a TDR sending site for six years unless the six-year moratorium  
4562 on development applications has been lifted or waived or the landowner has a  
4563 reforestation plan approved by the Washington state Department of Natural Resources  
4564 and King County.

4565            SECTION 81. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040  
4566 are hereby amended to read as follows:

4567            A. The number of residential development rights that an unincorporated sending  
4568 site is eligible to send to a receiving site shall be determined by applying the TDR  
4569 sending site base density established in subsection D. of this section to the area of the  
4570 sending site, after deducting the area associated with any existing development, any  
4571 retained development rights and any portion of the sending site already in a conservation  
4572 easement or other similar encumbrance. For each existing dwelling unit or retained  
4573 development right, the sending site area shall be reduced by an area equivalent to the base  
4574 density for that zone under K.C.C. 21A.12.030.

4575            B. Any fractions of development rights that result from the calculations in  
4576 subsection A. of this section shall not be included in the final determination of total  
4577 development rights available for transfer.

4578            C. For purposes of calculating the amount of development rights a sending site  
4579 can transfer, the amount of land contained within a sending site shall be determined as  
4580 follows:

4581            1. If the sending site is an entire tax lot, the square footage or acreage shall be  
4582 determined:

4583            a. by the King County department of assessments records; or

4584            b. by a survey funded by the applicant that has been prepared and stamped by a  
4585 surveyor licensed in the state of Washington; and

4586            2. If the sending site consists of a lot that is divided by a zoning boundary, the  
4587 square footage or acreage shall be calculated separately for each zoning classification.

4588 The square footage or acreage within each zoning classification shall be determined by  
4589 the King County record of the action that established the zoning and property lines, such  
4590 as an approved lot line adjustment. When such records are not available or are not  
4591 adequate to determine the square footage or acreage within each zoning classification, the  
4592 department of local services, permitting division, shall calculate the square footage or  
4593 acreage through the geographic information system (GIS) mapping system.

4594 D. For the purposes of the transfer of development rights (TDR) program only,  
4595 the following TDR sending site base densities apply:

4596 1. Sending sites designated in the King County Comprehensive Plan as urban  
4597 separator and zoned R-1 shall have a base density of four dwelling units per acre;

4598 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two  
4599 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25  
4600 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25  
4601 acres;

4602 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling  
4603 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and  
4604 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated  
4605 ~~((one))~~ one additional TDR for each vacant lot that is smaller than two and one-half acres  
4606 or five acres, respectively;

4607 4. Sending sites zoned RA and that have a designation under the King County  
4608 Shoreline Master Program of conservancy or natural shall be allocated one additional  
4609 TDR;

4610 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling

4611 unit per five acres for transfer purposes only;

4612           6. Sending sites zoned F within the forest production district shall have a base  
4613 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is  
4614 between fifteen and eighty acres in size; or

4615           7. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.  
4616 21A.37.020.A.2.g. shall be allocated TDRs that are equivalent to the zoning base density  
4617 established in K.C.C. 21A.12.030 for every one acre of gross land area.

4618           E. A sending site zoned RA, A or F may send one development right for every  
4619 legal lot larger than five thousand square feet that was created on or before September 17,  
4620 2001, if that number is greater than the number of development rights determined under  
4621 subsection A. of this section. A sending site zoned R-1 may send one development right  
4622 for every legal lot larger than two thousand five hundred square feet that was created on  
4623 or before September 17, 2001, if that number is greater than the number of development  
4624 rights determined under subsection A. of this section.

4625           F. The number of development rights that a King County unincorporated rural or  
4626 natural resources land sending site is eligible to send to a King County incorporated  
4627 urban area receiving site shall be determined through the application of a conversion ratio  
4628 established by King County and the incorporated municipal jurisdiction. The conversion  
4629 ratio will be applied to the number of available sending site development rights  
4630 determined under subsection A. or E. of this section.

4631           G. Development rights from one sending site may be allocated to more than one  
4632 receiving site and one receiving site may accept development rights from more than one  
4633 sending site.

4634 H. The determination of the number of residential development rights a sending  
4635 site has available for transfer to a receiving site shall be valid for transfer purposes only,  
4636 shall be documented in a TDR qualification report prepared by the department of natural  
4637 resources and parks and sent to the applicant. The qualification report and shall be  
4638 considered a final determination, not to be revised due to changes to the sending site's  
4639 zoning, and shall be valid unless conditions on the sending site property that would affect  
4640 the number of development rights the sending site has available for transfer have  
4641 changed.

4642 I. Each residential transferable development right that originates from a sending  
4643 site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional  
4644 units above base density in eligible receiving sites located in unincorporated urban King  
4645 County. Each residential transferable development right that originates from a sending  
4646 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one  
4647 additional unit above base density. Each residential transferable development right that  
4648 originates from a sending site in urban unincorporated area lands meeting the criteria in  
4649 K.C.C. 21A.37.020.A.2.g. shall be designated "Urban" and is equivalent to one additional  
4650 unit above the base density.

4651 SECTION 82. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070  
4652 are hereby amended to read as follows:

4653 A. An interagency review committee, chaired by the department of local services  
4654 permitting division manager and the director of the department of natural resources and  
4655 parks, or designees, shall be responsible for qualification of sending sites.  
4656 Determinations on sending site certifications made by the committee are appealable to the

4657 examiner under K.C.C. 20.22.040. The department of natural resources and parks shall  
4658 be responsible for preparing a TDR qualification report, which shall be signed by the  
4659 director of the department of natural resources and parks or designee, documenting the  
4660 review and decision of the committee. The qualification report shall:

4661           1. Specify all deficiencies of an application, if the decision of the committee is  
4662 to disqualify the application;

4663           2. For all qualifying applications, provide a determination as to whether or not  
4664 additional residential dwelling units and associated accessory units may be  
4665 accommodated in accordance with K.C.C. 21A.37.050.A.; and

4666           3. Be issued a TDR certification letter within sixty days of the date of submittal  
4667 of a completed sending site certification application.

4668           B. Responsibility for preparing a completed application rests exclusively with the  
4669 applicant. Application for sending site certification shall include:

4670           1. A legal description of the site;

4671           2. A title report;

4672           3. A brief description of the site resources and public benefit to be preserved;

4673           4. A site plan showing the existing and proposed dwelling units, nonresidential  
4674 structures, driveways, submerged lands and any area already subject to a conservation  
4675 easement or other similar encumbrance;

4676           5. Assessors map or maps of the lot or lots;

4677           6. A statement of intent indicating whether the property ownership, after TDR  
4678 certification, will be retained in private ownership or dedicated to King County or another  
4679 public or private nonprofit agency;

4680 7. Any or all of the following written in conformance with criteria established  
4681 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as  
4682 habitat for a threatened or endangered species:

- 4683 a. a wildlife habitat conservation plan;
- 4684 b. a wildlife habitat restoration plan; or
- 4685 c. a wildlife present conditions report;

4686 8. If the site qualifies as an urban unincorporated area sending site meeting the  
4687 criteria in K.C.C. 21A.37.020.A.2.g.;

4688 9. A forest stewardship plan, written in conformance with criteria established  
4689 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.  
4690 21A.37.060.B.3. and 6.;

4691 ~~((9-))~~ 10. An affidavit of compliance with the reforestation requirements of the  
4692 Forest Practices Act and any additional reforestation conditions of the forest practices  
4693 permit for the site, if required under K.C.C. 21A.37.020.~~((E))~~D.;

4694 ~~((10-))~~ 11. A completed density calculation worksheet for estimating the number  
4695 of available development rights; and

4696 ~~((11-))~~ 12. The application fee consistent with K.C.C. ~~((27.36.020))~~ 27.10.170.

4697 SECTION 83. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100  
4698 are hereby amended to read as follows:

4699 The purpose of the TDR bank is to assist in the implementation of the transfer of  
4700 development rights (TDR) program by bridging the time gap between willing sellers and  
4701 buyers of development rights by purchasing and selling development rights, purchasing  
4702 conservation easements, and facilitating interlocal TDR agreements with cities in King

4703 County through the provision of amenity funds. The TDR bank may acquire  
4704 development rights and conservation easements only from sending sites located in the  
4705 rural area or in an agricultural or forest (~~(production district as designated)~~) land use  
4706 designation in the King County Comprehensive Plan, or in the urban unincorporated area  
4707 only from sites meeting the criteria in K.C.C. 21A.37.020.A.2.g. Development rights  
4708 purchased from the TDR bank may only be used for receiving sites in cities or in the  
4709 urban unincorporated area as designated in the King County Comprehensive Plan.

4710 SECTION 84. Ordinance 13733, Section 10, as amended, and K.C.C.

4711 21A.37.110 are hereby amended to read as follows:

4712 A. The TDR bank may purchase development rights from qualified sending sites  
4713 at prices not to exceed fair market value and to sell development rights at prices not less  
4714 than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may  
4715 accept donations of development rights from qualified TDR sending sites.

4716 B. The TDR bank may purchase a conservation easement only if the property  
4717 subject to the conservation easement is qualified as a sending site as evidenced by a TDR  
4718 qualification report, the conservation easement restricts development of the sending site  
4719 in the manner required by K.C.C. 21A.37.060 and the development rights generated by  
4720 encumbering the sending site with the conservation easement are issued to the TDR bank  
4721 at no additional cost.

4722 C. Any development rights, generated by encumbering property with a  
4723 conservation easement, may be issued to the TDR bank if:

4724 1.a. The conservation easement is acquired through a county park, open space,  
4725 trail, agricultural, forestry or other natural resource acquisition program for a property  
4726 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

4727 b. the property is acquired by the county with the intent of conveying the  
4728 property encumbered by a reserved conservation easement. The number of development  
4729 rights generated by this reserved conservation easement shall be determined by the TDR  
4730 qualification report; and

4731 2. Under either subsection C.1.a. or b. of this section, there will be no additional  
4732 cost to the county for acquiring the development rights.

4733 D. The TDR bank may use funds to facilitate development rights transfers.  
4734 These expenditures may include, but are not limited to, establishing and maintaining  
4735 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals  
4736 and reimbursing the costs incurred by the department of natural resources and parks,  
4737 water and land resources division, or its successor, for administering the TDR bank fund  
4738 and executing development rights purchases and sales.

4739 E. The TDR bank fund may be used to cover the cost of providing staff support  
4740 for identifying and qualifying sending and receiving sites, and the costs of providing staff  
4741 support for the TDR interagency review committee.

4742 F. Upon approval of the TDR executive board, proceeds from the sale of TDR  
4743 bank development rights shall be available for acquisition of additional development  
4744 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King  
4745 County and for projects in receiving areas located in urban unincorporated King County.

4746 Amenity funds provided to a city from the sale of TDR bank development rights to that  
4747 city are limited to one-third of the proceeds from the sale.

4748 SECTION 85. Ordinance 13733, Section 12, as amended, and K.C.C.

4749 21A.37.130 are hereby amended to read as follows:

4750 A.1. The sale of development rights by the TDR bank shall be at a price that  
4751 equals or exceeds the fair market value of the development rights, except as provided in  
4752 subsection A.2. of this section. The fair market value of the development rights shall be  
4753 established by the department of natural resources and shall be based on the amount the  
4754 county paid for the development rights and the prevailing market conditions.

4755 2.a. The department of natural resources and parks shall undertake a "TDR for  
4756 Affordable Housing" pilot program, in which transferrable development rights necessary  
4757 to construct up to one hundred total units shall be sold at the administrative cost incurred  
4758 by the county or fifteen percent of the fair market value of the development rights,  
4759 whichever is less.

4760 b. In order to qualify for this program, all units built using the development  
4761 rights must be either:

4762 (1) rental housing permanently priced to serve households with a total  
4763 household income at or below forty percent of the median income for the county as  
4764 defined by the United States Department of Housing and Urban Development, adjusted  
4765 for household size. A covenant on the property that specifies the income level being  
4766 served, rent levels and requirements for reporting to King County shall be recorded at  
4767 final approval; or

4768 (2) housing reserved for income- and asset-qualified home buyers with total

4769 household income at or below forty percent of the median income for the county as  
4770 defined by the United States Department of Housing and Urban Development, adjusted  
4771 for household size. The units shall be limited to owner-occupied housing with prices  
4772 restricted based on typical underwriting ratios and other lending standards, and with no  
4773 restriction placed on resale. Final approval conditions shall specify requirements for  
4774 reporting to King County on both buyer eligibility and housing prices.

4775 c. In unincorporated King County, in the R-4 through R-48 zones,  
4776 development rights to build units through this pilot program shall only be sold for units  
4777 between one hundred fifty percent and two hundred percent of the receiving site's base  
4778 density as set forth in K.C.C. 21A.12.030.

4779 d.(1) The department of natural resources and parks shall track the sale of  
4780 development rights and completion of units constructed through this program. When the  
4781 one hundred unit threshold is reached, the department shall, within six months of that  
4782 date, transmit a report to the council that includes, but is not limited to:

4783 (a) the location of the receiving sites where development rights under this  
4784 pilot program were used;

4785 (b) lessons learned from the pilot program, including feedback from  
4786 developers who purchased development rights through the program; and

4787 (c) a recommendation on whether to make the pilot program permanent,  
4788 repeal the program, or modify the program.

4789 (2) the report shall be accompanied by a proposed ordinance effectuating the  
4790 recommendation in subsection d.1.c of this section.

4791                   (3) the report and proposed ordinance shall be filed in the form of a paper  
4792 original and an electronic copy with the clerk of the council, who shall retain the original  
4793 and provide an electronic copy to all councilmembers, the council chief of staff and the  
4794 lead staff to the mobility and environment committee or its successor.

4795                   B. When selling development rights, the TDR bank may select prospective  
4796 purchasers based on the price offered for the development rights, the number of  
4797 development rights offered to be purchased, and the potential for the sale to achieve the  
4798 purposes of the TDR program.

4799                   C. The TDR bank may sell development rights only in whole or half increments  
4800 to incorporated receiving sites through an interlocal agreement or, after the county enacts  
4801 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a  
4802 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR  
4803 bank may sell development rights only in whole increments to unincorporated King  
4804 County receiving sites.

4805                   D. All offers to purchase development rights from the TDR bank shall be in  
4806 writing, shall include a certification that the development rights, if used, shall be used  
4807 only inside an identified city or within the urban unincorporated area, include a minimum  
4808 ten percent down payment with purchase option, shall include the number of  
4809 development rights to be purchased, location of the receiving site, proposed purchase  
4810 price and the required date or dates for completion of the sale, not later than three years  
4811 after the date of receipt by King County of the purchase offer.

4812 E. Payment for purchase of development rights from the TDR bank shall be in  
4813 full at the time the development rights are transferred unless otherwise authorized by the  
4814 department of natural resources and parks.

4815 SECTION 86. Ordinance 10870, Section 577, as amended, and K.C.C.

4816 21A.38.040 are hereby amended to read as follows:

4817 Special district overlays shall be (~~designated~~) classified on the official (~~area~~)  
4818 zoning map(~~s~~) and as a notation in the department's electronic parcel record, as follows:

4819 A. A special district overlay shall be (~~designated~~) classified through the area  
4820 zoning process as provided in K.C.C. chapters 20.12 and 20.18. (~~Designation~~)  
4821 Classification of an overlay district shall include policies that prescribe the purposes and  
4822 location of the overlay;

4823 B. A special district overlay shall be applied to land through an area zoning  
4824 process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the  
4825 zoning map and as a notation in the department's electronic parcel record and shall be  
4826 designated in Appendix B of Ordinance 12824 as maintained by the department of local  
4827 services, permitting division, with the suffix "-SO" following the map symbol of the  
4828 underlying zone or zones;

4829 C. The special district overlays in this chapter are the only overlays authorized by  
4830 the code. New or amended overlays to carry out new or different goals or policies shall  
4831 be adopted as part of this chapter and be available for use in all appropriate community,  
4832 subarea or neighborhood planning areas;

4833 D. The special district overlays in this chapter may waive, modify and substitute  
4834 for the range of permitted uses and development standards established by this title for any  
4835 use or underlying zone;

4836 E. Unless they are specifically modified by this chapter, the standard  
4837 requirements of this title and other county ordinances and regulations govern all  
4838 development and land uses within special district overlays;

4839 F. A special district overlay on an individual site may be modified by property-  
4840 specific development standards as provided in K.C.C. 21A.38.030;

4841 G. A special district overlay may not be deleted by a zone reclassification; and

4842 H. Special district overlay development standards may be modified or waived  
4843 through the consideration of a variance, subject to the variance criteria in K.C.C.  
4844 21A.44.030.

4845 SECTION 87. Ordinance 10870, Section 578, as amended, and K.C.C.  
4846 21A.38.050 are hereby amended to read as follows:

4847 A. The purpose of the pedestrian-oriented commercial development special  
4848 district overlay is to provide for high-density, pedestrian-oriented retail ((/)) and  
4849 employment uses. The ((P))pedestrian-oriented commercial districts shall only be  
4850 established in areas designated ((~~within a community, subarea, or neighborhood plan as~~  
4851 ~~an urban activity center~~)) as a center on the adopted Urban Centers map of the King  
4852 County Comprehensive Plan and zoned CB, RB or O.

4853 B. Permitted uses shall be those uses permitted in the underlying zone, excluding  
4854 the following:

4855 1. Motor vehicle, boat and mobile home dealer;

- 4856 2. Gasoline service station;
- 4857 3. (~~(Drive-through retail and service u)~~) Uses with drive-through facilities,
- 4858 except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;
- 4859 4. (~~(Car washes)~~) SIC Industry Group 598 (Fuel dealers);
- 4860 5. (~~(Retail and service u)~~)Uses with outside storage, e.g. lumber yards,
- 4861 miscellaneous equipment rental or machinery sales;
- 4862 6. (~~(Wholesale uses)~~) Bulk retail;
- 4863 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks,
- 4864 sports clubs, theaters, libraries and museums;
- 4865 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521
- 4866 (automobile parking; but excluding tow-in parking lots);
- 4867 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,
- 4868 clock and jewelry repair);
- 4869 10. SIC Major Group 78 (Motion pictures)(~~(, except 7832 (theater) and 7841~~
- 4870 ~~(video tape rental)~~));
- 4871 11. SIC Major Group 80 (Health services), except offices and outpatient clinics
- 4872 (801-804);
- 4873 12. SIC Industry Group 421 (Trucking and courier service);
- 4874 13. Public agency archive((s));
- 4875 14. Self-service storage;
- 4876 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC
- 4877 Industry Code 2759 (Commercial printing); (~~and~~)
- 4878 16. Resource land uses as set forth in K.C.C. 21A.08.090;

- 4879            17. SIC Industry Code 7261 (Funeral home/crematory);  
4880            18. Cemetery, columbarium or mausoleum;  
4881            19. Interim recycling facility;  
4882            20. Utility facility, except underground water, gas or wastewater pipelines; and  
4883            21. Vector waste receiving facility.

4884            C. The following development standards shall apply to ~~((uses))~~ development  
4885 located in pedestrian-oriented commercial overlay districts:

4886            1. ~~((Every use shall be subject to pedestrian-oriented use limitations and street~~  
4887 ~~facade development standards (e.g. placement and orientation of buildings with respect to~~  
4888 ~~streets and sidewalks, arcades or marquees) identified and adopted through an applicable~~  
4889 ~~community, subarea or, neighborhood plan, or the area zoning process;~~

4890            2.) For properties that have frontage on ~~((pedestrian street(s) or routes as~~  
4891 ~~designated in an applicable plan or area zoning process))~~ a public street, the following  
4892 conditions shall apply:

4893            a. main building entrances shall be oriented to the ~~((pedestrian))~~ public street;

4894            b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~  
4895 five feet from the sidewalk or sidewalk improvement, but shall not encroach on the  
4896 public right-of-way. For buildings existing before the effective date of this section of this  
4897 ordinance with setbacks greater than five feet and that have substantial improvements  
4898 made to them after the effective date of this section of this ordinance, a minimum five-  
4899 foot-wide pedestrian walkway shall be constructed that connects the main building  
4900 entrance to the public sidewalk or sidewalk improvement;

4901            c. building facades shall comprise at least ~~((75%))~~ seventy-five percent of the

4902 total ~~((pedestrian))~~ street frontage for a property and if applicable, at least ~~((75%))~~  
4903 seventy-five percent of the total pedestrian route frontage for a property;

4904 d. minimum ~~((side))~~ interior setbacks of the underlying zoning are waived;

4905 e. building facades ~~((of ground floor retail, general business service, and~~  
4906 ~~professional office land uses))~~ that front onto a ~~((pedestrian))~~ street ~~((or route))~~ shall  
4907 ~~((include))~~ incorporate windows into at least thirty percent of the building facade surface  
4908 area and overhead protection above all building entrances and along at least fifty percent  
4909 of length of the building facade, which may extend over the sidewalk if it does not  
4910 impede use of the sidewalk by the public;

4911 f. ground floor building facades ~~((along a pedestrian street or route, that are~~  
4912 ~~without ornamentation or are))~~ shall include ornamentation such as decorative  
4913 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;  
4914 and

4915 g. buildings facades shall not be comprised of uninterrupted glass curtain walls  
4916 or mirrored glass ~~((are not permitted)); ((and~~  
4917 ~~g.))~~ 2. vehicle access shall be limited to the rear access alley or rear access  
4918 street where such an alley or street exists((-));

4919 3. Floor/lot area ratio shall not exceed 5:1, including the residential component  
4920 of mixed use developments, but not including parking structures;

4921 4. Building setback and height requirements may be waived through the  
4922 application of residential density incentives under K.C.C. chapter 21A.34 or the transfer  
4923 of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of  
4924 the perimeter of any special district overlay area abutting an R-12 or lower density

4925 residential zone;

4926           5. The landscaping requirements of K.C.C. chapter 21A.16 (~~((may be waived if~~  
4927 ~~landscaping conforms to a special district overlay landscaping plan adopted as part of the~~  
4928 ~~area zoning. The overlay district landscaping plan shall include features addressing street~~  
4929 ~~trees, and other design amenities (e.g. landscaped plazas or parks))) shall apply to all new  
4930 development and to buildings existing before the effective date of this section of this  
4931 ordinance that have substantial improvements made to them after the effective date of  
4932 this section of this ordinance; and~~

4933           6. (~~(On designated pedestrian streets, sidewalk width requirements shall be~~  
4934 ~~increased to a range of ten to twelve feet wide including sidewalk landscaping and other~~  
4935 ~~amenities. The sidewalk widths exceeding the amount required in the King County Road~~  
4936 ~~Standards may occur on private property adjoining the public street right of way; and~~

4937           7.)) Off-street parking requirements K.C.C. 21A.18.110 (~~(are modified as~~  
4938 ~~follows for all nonresidential uses:~~

4939           a. ~~No less than one space for every 1000 square feet of floor area shall be~~  
4940 ~~provided;~~

4941           b. ~~No more than seventy five percent of parking shall be on-site surface~~  
4942 ~~parking. Such parking shall be placed in the interior of the lot, or at the rear of the~~  
4943 ~~building it serves; and~~

4944           c. ~~At least twenty five percent of the required parking shall be enclosed in an~~  
4945 ~~on-site parking structure or located at an off-site common parking facility, provided that~~  
4946 ~~this requirement is waived when the applicant signs a no protest agreement to participate~~  
4947 ~~in any improvement district for the future construction of such facilities)) shall apply,~~

4948 except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director  
4949 shall only allow use of on-street parallel parking in front of or adjacent to the subject  
4950 parcel for the parking spaces that cannot be accommodated to the rear or sides of  
4951 buildings.

4952 NEW SECTION. SECTION 88. There is hereby added to K.C.C. chapter 21A.38  
4953 a new section to read as follows:

4954 A. The purpose of the Martin Luther King Jr. Way South Mixed-Use Special  
4955 District Overlay is to facilitate linkages to the existing Martin Luther King Jr Way South  
4956 Neighborhood Business Center, incentivize commercial opportunities close to existing  
4957 high-density housing, incentivize commercial development by allowing more uses than  
4958 traditionally found in mixed-use developments and provide flexibility in current square  
4959 footage limitations.

4960 B. The following development standards shall be applied to all development  
4961 proposals within the Martin Luther King Jr. Way South Mixed-Use Special District  
4962 Overlay:

4963 1. New buildings shall be limited to mixed-use as defined in K.C.C.  
4964 21A.06.753;

4965 2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as  
4966 part of a mixed-use building in subsection B.1. of this section; and

4967 3. Any nonresidential component of the building that is personal services  
4968 allowed in the zone under K.C.C. 21A.08.050 or retail use allowed in the zone under  
4969 K.C.C. 21A.08.070 shall comply with K.C.C. 21A.12.230, except that K.C.C.  
4970 21A.12.230.A., B. and C. do not apply to the development.

4971            SECTION 89. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260  
4972 are hereby amended to read as follows:

4973            A. The purpose of the Fall City business district special district overlay is to allow  
4974 commercial development in Fall City to occur with on-site septic systems until such time as  
4975 an alternative wastewater system is available. The special district shall only be established  
4976 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to  
4977 other rural commercial centers.

4978            B. The standards of this title and other county codes shall be applicable to  
4979 development within the Fall City business district special district overlay except as follows:

4980            1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced  
4981 with the following:

4982            a. Residential land uses as set forth in K.C.C. 21A.08.030:

4983            i. As a permitted use:

4984            (A) Multifamily residential units shall only be allowed on the upper floors of  
4985 buildings; and

4986            (B) Home occupations under K.C.C. chapter 21A.30;

4987            ii. As a conditional use:

4988            (A) Bed and Breakfast (five rooms maximum); and

4989            (B) Hotel/Motel.

4990            b. Recreational/cultural land uses as set forth in K.C.C. ~~((21A.08.030))~~

4991            21A.08.040:

4992            i. As a permitted use:

4993            (A) Library;

- 4994 (B) Museum; (~~and~~)
- 4995 (C) Arboretum; and
- 4996 (D) Park.
- 4997 ii. As a conditional use:
- 4998 (A) Sports Club/Fitness Center;
- 4999 (B) Amusement/Recreation Services/Arcades (Indoor);
- 5000 (C) Bowling Center
- 5001 c. General services land uses as set forth in K.C.C. 21A.08.050:
- 5002 i. As a permitted use:
- 5003 (A) General Personal Services, except escort services;
- 5004 (B) Funeral Home;
- 5005 (C) Appliance/Equipment Repair;
- 5006 (D) Medical or Dental Office/Outpatient Clinic;
- 5007 (E) Medical or Dental Lab;
- 5008 (F) Day Care I;
- 5009 (G) Day Care II;
- 5010 (H) Veterinary Clinic;
- 5011 (I) Social Services;
- 5012 (J) Animal Specialty Services;
- 5013 (K) Artist Studios;
- 5014 (L) Nursing and Personal Care Facilities;
- 5015 ii. As a conditional use:
- 5016 (A) Theater (Movie or Live Performance);

- 5017 (B) Religious Use;
- 5018 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
- 5019 i. As a permitted use:
- 5020 (A) General Business Service;
- 5021 (B) Professional Office: Bank, Credit Union, Insurance Office.
- 5022 ii. As a conditional use:
- 5023 (A) Public Agency or Utility Office;
- 5024 (B) Police Substation;
- 5025 (C) Fire Station;
- 5026 (D) Utility Facility;
- 5027 (E) Self Service Storage;
- 5028 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 5029 i. As a permitted use on the ground floor:
- 5030 (A) Food Store;
- 5031 (B) Drug Store/Pharmacy;
- 5032 (C) Retail Store: includes florist, book store, apparel and accessories store,
- 5033 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video
- 5034 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,
- 5035 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-
- 5036 only retail);
- 5037 (D) Eating and Drinking Places, including coffee shops and bakeries((;
- 5038 ~~(E) Remote tasting rooms~~)).
- 5039 ii. As a conditional use:

- 5040 (A) Liquor Store or Retail Store Selling Alcohol;
- 5041 (B) Hardware/Building Supply Store;
- 5042 (C) Nursery/Garden Center;
- 5043 (D) Department Store;
- 5044 (E) Auto Dealers (indoor sales rooms only);
- 5045 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.
- 5046 g. Resource land uses as set forth in K.C.C. 21A.08.090:
- 5047 i. As a permitted use:
- 5048 (A) Solar photovoltaic/solar thermal energy systems;
- 5049 (B) Private storm water management facilities;
- 5050 (C) Growing and Harvesting Crops (within rear/internal side yards or roof
- 5051 gardens, and with organic methods only);
- 5052 (D) Raising Livestock and Small Animals (per the requirements of Section
- 5053 21A.30 of the Zoning Code)
- 5054 ii. As a conditional use: Wind Turbines
- 5055 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:
- 5056 Communication Facility.
- 5057 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except
- 5058 as follows:
- 5059 a. Residential density is limited to six dwelling units per acre. For any building
- 5060 with more than ten dwelling units, at least ten percent of the dwelling units shall be
- 5061 classified as affordable under 21A.34.040F.1;
- 5062 b. Buildings are limited to two floors, plus an optional basement;

5063 c. The elevation of the ground floor may be elevated a maximum of six feet  
5064 above the average grade of the site along the front facade of the building;

5065 d. If the ground floor is designed to accommodate non-residential uses, the  
5066 elevation of the ground floor should be placed near the elevation of the sidewalk to  
5067 minimize the need for stairs and ADA ramps;

5068 e. If the ground floor is designed to accommodate non-residential space, the  
5069 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

5070 f. Building height shall not exceed forty feet, as measured from the average  
5071 grade of the site along the front facade of the building.

5072 NEW SECTION. SECTION 90. There is hereby added to K.C.C. chapter 21A.38  
5073 a new section to read as follows:

5074 A. The purpose of the Bear Creek office and retail special district overlay is to  
5075 provide additional commercial opportunities to support area residents and the local  
5076 economy and to provide retail options for employees of the office zones.

5077 B. Allowed uses within the special district overlay shall be those uses allowed in  
5078 the office zone in K.C.C. chapter 21A.08 and the following permitted land uses:

- 5079 1. Building materials and hardware stores;
- 5080 2. Retail nursery, garden center and farm supply stores;
- 5081 3. Department and variety stores;
- 5082 4. SIC Major Group 54 - Food stores;
- 5083 5. SIC Industry Group 553 - Auto supply stores;
- 5084 6. SIC Industry Group 554 - Gasoline service stations;
- 5085 7. SIC Major Group 56 - Apparel and accessory stores;

- 5086 8. Furniture and home furnishings stores;
- 5087 9. SIC Major Group 58 - Eating and drinking places;
- 5088 10. Drug store;
- 5089 11. SIC Industry Group 592 - Liquor stores;
- 5090 12. SIC Industry Group 593 - Used goods: antiques/secondhand shops;
- 5091 13. Sporting goods and related stores;
- 5092 14. Book, stationary, video and art supply stores, except adult use facilities;
- 5093 15. Jewelry stores;
- 5094 16. Hobby, toy and games shops;
- 5095 17. Photographic and electronic shops;
- 5096 18. Fabric shops;
- 5097 19. Florist shops;
- 5098 20. Personal medical supply stores;
- 5099 21. Pet shops; and
- 5100 22. General services – Daycare II.

5101 SECTION 91. Ordinance 12627, Section 1, and K.C.C. 21A.55.010 are hereby  
5102 amended to read as follows:

5103 (~~Purpose.~~) The purpose of this section is to provide for "demonstration  
5104 projects" as a mechanism to test and evaluate alternative development standards and  
5105 processes (~~prior to~~) before amending King County policies and regulations. Alternative  
5106 development standards might include standards affecting building and/or site design  
5107 requirements. Alternative processes might include permit review prioritization,  
5108 alternative review and revision scheduling, or staff and peer review practices. All

5109 demonstration projects shall have broad public benefit through the testing of new  
5110 development regulations and shall not be used solely to benefit individual property  
5111 owners seeking relief from King County development standards. A demonstration  
5112 project shall be ~~((designated))~~ classified by the ~~((M))~~ metropolitan King County  
5113 ~~((C))~~ council. ~~((Designation))~~ Classification of each new demonstration project shall  
5114 occur through an ordinance which amends this code and shall include provisions that  
5115 prescribe the purpose~~((s))~~ or purposes and location~~((s))~~ or locations of the  
5116 demonstration project. Demonstration projects shall be located in urban areas, ~~((and/or))~~  
5117 rural areas or natural resource lands, or any combination thereof, which are deemed most  
5118 suitable for the testing of the proposed alternative development regulations. Within such  
5119 areas development proposals may be undertaken to test the efficacy of alternative  
5120 regulations that are proposed to facilitate increased quality of development and/or  
5121 increased efficiency in the development review processes.

5122 SECTION 92. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020  
5123 are hereby amended to read as follows:

5124 A. In establishing any demonstration project, the council shall specify the  
5125 following:

- 5126 1. The purpose of the demonstration project;
- 5127 2. The location or locations of the demonstration project;
- 5128 3. The scope of authority to modify standards and the lead agency, department  
5129 or division with authority to administer the demonstration project;

5130 4. The development standards established by this title or other titles of the King  
5131 County Code that affect the development of property that are subject to administrative  
5132 modifications or waivers;

5133 5. The process through which requests for modifications or waivers are  
5134 reviewed and any limitations on the type of permit or action;

5135 6. The criteria for modification or waiver approval;

5136 7. The effective period for the demonstration project and any limitations on  
5137 extensions of the effective period;

5138 8. The scope of the evaluation of the demonstration project and the date by  
5139 which the executive shall submit an evaluation of the demonstration project; and

5140 9. The date by which the executive shall submit an evaluation of specific  
5141 alternative standards and, if applicable, proposed legislation.

5142 B. A demonstration project shall be ~~((designated))~~ classified by the  
5143 ~~((M))~~metropolitan King County ~~((C))~~council through the application of a demonstration  
5144 project overlay to properties in a specific area or areas. A demonstration project shall be  
5145 indicated on the zoning map ~~((€))~~ and as a notation in the geographic information system  
5146 data layers maintained by the department of local services, permitting division, by the  
5147 suffix "-DPA" (meaning demonstration project area) following the map symbol of the  
5148 underlying zone or zones. Within a ~~((designated))~~ classified demonstration project area,  
5149 approved alternative development regulations may be applied to development  
5150 applications.

5151 SECTION 93. Ordinance 12627, Section 3, and K.C.C. 21A.55.030 are hereby  
5152 amended to read as follows:

5153           A. The demonstration projects set forth in this chapter are the only authorized  
5154 demonstration projects. New or amended demonstration projects to carry out new or  
5155 different goals or policies shall be adopted as part of this chapter.

5156           B. Demonstration projects must be consistent with the King County  
5157 Comprehensive Plan. ~~((Designation))~~ Classification of a demonstration project and its  
5158 provisions to waive or modify development standards must not require nor result in  
5159 amendment of the ~~((e))~~Comprehensive ~~((p))~~Plan nor the ~~((e))~~Comprehensive Plan land  
5160 use map.

5161           C. Unless they are specifically modified or waived pursuant to the provisions of  
5162 this chapter, the standard requirements of this title and other county ordinances and  
5163 regulations shall govern all development and land uses within a demonstration project  
5164 area. Property-specific development standards (P-suffix conditions) as provided in  
5165 K.C.C. chapter 21A.38 shall supersede any modifications or waivers allowed by the  
5166 provisions of this chapter.

5167           D. Demonstration project sites should be selected so that any resulting amended  
5168 development standards or processes can be applied to similar areas or developments.  
5169 Similar areas could include those with similar mixes of use and zoning. Similar  
5170 developments could include types of buildings such as commercial or multifamily and  
5171 types of development such as subdivisions or redevelopment.

5172           SECTION 94. Ordinance 13332, Section 33, as amended, and K.C.C. 27.10.180  
5173 are hereby amended to read as follows:

5174           Fees for zoning or ~~((e))~~Comprehensive ~~((p))~~Plan or map modification shall be  
5175 charged as follows:

- A. Variance
  - 1. Review \$6,692.00
  - 2. Extension of approval \$244.00
- B. Site-specific amendment of land use map, plan, code or shoreline environment redesignation \$2,234.00
- C. Other zoning reclassification requests including shoreline environment redesignation, deletion of special district overlay, or amendment or deletion of p-suffix conditions \$9,135.00

5176 D. If a site-specific amendment is implemented as part of ~~((the))~~ a Comprehensive  
 5177 Plan ~~((amendment process))~~ update, the application fee will be credited toward the zoning  
 5178 reclassification fee, provided that the application for zoning reclassification is filed within  
 5179 one year of the effective date of the site-specific land use map amendment.

5180 SECTION 95. The following are hereby repealed:

- 5181 A. Ordinance 19030, Section 13, and K.C.C. 21A.06.996;
- 5182 B. Ordinance 19030, Section 14, and K.C.C. 21A.06.1427A;
- 5183 C. Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B;
- 5184 D. Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C;
- 5185 E. Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070;
- 5186 F. Ordinance 12171, Section 7, and K.C.C. 21A.38.110;
- 5187 G. Ordinance 12823, Section 9, and K.C.C. 21A.38.140;
- 5188 H. Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240;
- 5189 I. Ordinance 19030, Section 28;
- 5190 J. Ordinance 19030, Section 29, and K.C.C. 21A.55.110; and

5191 K. Ordinance 19030, Section 32.

5192 SECTION 96. K.C.C. 20.12.100, as amended by this ordinance, is hereby

5193 recodified as a new section in K.C.C. chapter 4.56.

5194 SECTION 97. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100

5195 are hereby amended to read as follows:

5196 A. The 2019 real property asset management plan, ~~((formerly called the county~~  
5197 ~~space plan,))~~ dated September 1, 2019, and consisting of real property asset management  
5198 policies, practices and strategies, including planning policies, locations of county agencies  
5199 and implementation plans, planned moves and references to King County space standards,  
5200 is ~~((adopted as a component of the capital facilities element of))~~ intended to implement the  
5201 capital facilities element of the King County Comprehensive Plan. The real property asset  
5202 management plan dated September 1, 2019, shall guide facility planning processes,  
5203 decisions and implementation.

5204 B. The executive shall ~~((update))~~ transmit to the council a proposed ordinance  
5205 updating the real property asset management plan, including the current and future space  
5206 needs and implementation plans of the real property asset management plan: ~~((and submit~~  
5207 ~~them to the council as amendments to the real property asset management plan))~~

5208 1. ~~((b))~~ By the first business day in September ((1)) of every fourth year,  
5209 beginning ~~((on September 1, 2019, and also))~~ 2023; or

5210 2. ~~((w))~~ Within ninety days of any significant change in the county's ((space plan))  
5211 inventory, such as a move, sale, purchase or other change, affecting fifty thousand or more  
5212 square feet of useable space.

5213            C.1. The council may amend the executive's proposed real property asset  
5214 management plan during the council's review.

5215            2. The council may at any time introduce and adopt an ordinance to modify the  
5216 policies within the real property asset management plan.

5217            NEW SECTION. SECTION 98. There is hereby added to K.C.C. chapter 21A.06  
5218 a new section to read as follows:

5219            Winery: An establishment primarily engaged in one or more of the following:

5220            A. Growing grapes or fruit and manufacturing wine, cider or brandies;

5221            B. Manufacturing wine, cider or brandies from grapes and other fruits grown  
5222 elsewhere; and

5223            C. Blending wines, cider or brandies.

5224            SECTION 99. The executive shall submit sections 68, 69, 70 and 71 of this  
5225 ordinance, amendments to King County Comprehensive Plan chapter six in Attachment  
5226 A to this ordinance and amendments to the Shoreline Master Program in Attachments E  
5227 and H to this ordinance to the state Department of Ecology for its approval, as provided  
5228 in RCW 90.58.090.

5229            SECTION 100. Sections 68, 69, 70 and 71 of this ordinance, amendments to  
5230 King County Comprehensive Plan chapter six in Attachment A to this ordinance and  
5231 amendments to the Shoreline Master Program in Attachments E and H to this ordinance  
5232 take effect within the shoreline jurisdiction fourteen days after the state Department of  
5233 Ecology provides written notice of final action stating that the proposal is approved, in  
5234 accordance with RCW 90.58.090. The executive shall provide the written notice of final  
5235 action to the clerk of the council.

5236            SECTION 101. A. The executive shall transmit a proposed ordinance that adopts  
5237 regulations for wineries, breweries and distilleries, and related uses. Before transmittal of  
5238 that proposed ordinance, the executive shall complete the SEPA review requested by  
5239 Motion 15649 and required by chapter 43.21C RCW, chapter 197-11 WAC and K.C.C.  
5240 chapter 20.44.

5241            B. The executive shall transmit the proposed ordinance required by this section  
5242 within six months of the completion of the SEPA review process, including any required  
5243 comment and appeal periods. The executive shall transmit the proposed ordinance in the  
5244 form of a paper original and an electronic copy to the clerk of the council, who shall  
5245 retain the original and provide an electronic copy to all councilmembers, the council chief  
5246 of staff and the lead staff for the local services committee, or its successor.

5247            SECTION 102. Severability. If any provision of this ordinance or its application  
5248 to any person or circumstance is held invalid, the remainder of the ordinance or the  
5249 application of the provision to other persons or circumstances is not affected."

5250  
5251 Strike Attachment A, Comprehensive Plan Amends 2020 Update, and insert Attachment  
5252 A, 2020 Update to 2016 King County Comprehensive Plan and 2017 Vashon-Maury  
5253 Island Community Service Area Subarea Plan, dated July 20, 2020. The clerk of the  
5254 council is instructed to engross changes from any adopted amendments and correct any  
5255 scrivener's errors. Line numbers have been added to the attachment for ease of reference.  
5256 The clerk of the council is instructed to remove line numbers in the attachment on the  
5257 final version of this legislation adopted by the council before presentation to the  
5258 executive. Upon final adoption, council staff is instructed to reflect the enactment

5259 number throughout Attachment A, incorporate adopted changes into the King County  
5260 Comprehensive Plan and Vashon-Maury Island CSA Subarea Plan, modify all  
5261 Comprehensive Plan and technical maps in Attachment A to reflect the changes in any  
5262 adopted amendments, update the tables of contents as necessary, update footnote  
5263 numbers as necessary, and provide an electronic copy of each to the executive.  
5264  
5265 Strike Attachment B, Appendix C - Transportation, and insert Attachment B, Appendix  
5266 C: Transportation, 2020 update to 2016 Comprehensive Plan, dated July 20, 2020. The  
5267 clerk of the council is instructed to engross changes from any adopted amendments and  
5268 correct any scrivener's errors. Line numbers have been added to the attachment for ease  
5269 of reference. The clerk of the council is instructed to remove line numbers in the  
5270 attachment on the final version of this legislation adopted by the council before  
5271 presentation to the executive. The clerk of the council is also instructed to update the  
5272 header to reflect the enactment number upon final adoption.  
5273  
5274 Strike Attachment C, Appendix C1 - Transportation, and insert Attachment C, Appendix  
5275 C1: Transportation Needs Report, 2020 update to 2016 King County Comprehensive  
5276 Plan, dated July 20, 2020. The clerk of the council is instructed to engross changes from  
5277 any adopted amendments and correct any scrivener's errors. Line numbers have been  
5278 added to the attachment for ease of reference. The clerk of the council is instructed to  
5279 remove line numbers in the attachment on the final version of this legislation adopted by  
5280 the council before presentation to the executive. The clerk of the council is also  
5281 instructed to update the header to reflect the enactment number upon final adoption.

5282

5283 Strike Attachment D, Comp Plan Land Use Zoning Maps 2020 Update and insert  
5284 Attachment D, Amendments to Land Use and Zoning Maps, 2020 update to 2016 King  
5285 County Comprehensive Plan, dated July 20, 2020. The clerk of the council is instructed  
5286 to engross changes from any adopted amendments and correct any scrivener's errors.  
5287 Line numbers have been added to the attachment for ease of reference. The clerk of the  
5288 council is instructed to remove line numbers in the attachment on the final version of this  
5289 legislation adopted by the council before presentation to the executive. Upon final  
5290 adoption, council staff is instructed to reflect the enactment number throughout  
5291 Attachment D, and coordinate with executive staff to assign new P-suffix or Special  
5292 District Overlay numbers, modify all Comprehensive Plan and technical maps that  
5293 include the urban growth area boundary, potential annexation areas and the agricultural  
5294 production district to reflect these changes.

5295

5296 Strike Attachment E, Shoreline Maps 2020 Update and insert Attachment E,  
5297 Amendments to Shorelines of the State Map, 2020 update to 2016 King County  
5298 Comprehensive Plan and Shoreline Master Program, dated July 20, 2020. The clerk of  
5299 the council is instructed to engross changes from any adopted amendments and correct  
5300 any scrivener's errors. Line numbers have been added to the attachment for ease of  
5301 reference. The clerk of the council is instructed to remove line numbers in the attachment  
5302 on the final version of this legislation adopted by the council before presentation to the  
5303 executive. Upon final adoption, council staff is instructed to reflect the enactment  
5304 number throughout Attachment E, and coordinate with executive staff to modify all

5305 Comprehensive Plan and technical maps that include the urban growth area boundary,  
5306 potential annexation areas and the agricultural production district to reflect these changes.

5307

5308 Strike Attachment F, SWH Land Use Subarea Plan 2020 Update, and insert Attachment  
5309 F, Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill CSA Subarea  
5310 Plan, dated July 20, 2020. The clerk of the council is instructed to engross changes from  
5311 any adopted amendments and correct any scrivener's errors. Line numbers have been  
5312 added to the attachment for ease of reference. The clerk of the council is instructed to  
5313 remove line numbers in the attachment on the final version of this legislation adopted by  
5314 the council before presentation to the executive. Upon final adoption, council staff is  
5315 instructed to reflect the enactment number throughout Attachment F, modify all  
5316 Comprehensive Plan and technical maps in Attachment A to reflect the changes in any  
5317 adopted amendments, incorporate any adopted amendments, update the tables of contents  
5318 as necessary, update footnote numbers as necessary, and provide an electronic copy to the  
5319 executive.

5320

5321 Strike Attachment G, SWH Land Use Zoning Maps 2020 Update, and insert Attachment  
5322 G, Appendices to the Skyway-West Hill Land Use Strategy, dated July 20, 2020. The  
5323 clerk of the council is instructed to engross changes from any adopted amendments and  
5324 correct any scrivener's errors. Line numbers have been added to the attachment for ease  
5325 of reference. The clerk of the council is instructed to remove line numbers in the  
5326 attachment on the final version of this legislation adopted by the council before  
5327 presentation to the executive. Upon final adoption, council staff is instructed to reflect

5328 the enactment number throughout Attachment G, incorporate any adopted amendments,  
5329 and provide an electronic copy to the executive.  
5330

5331 Strike Attachment H, SMP Jurisdiction List 2020 Updates and insert Attachment H,  
5332 Shoreline Jurisdiction, Streams and Lakes Segments, 2020 update to 2016 King County  
5333 Comprehensive Plan and Shoreline Master Program, dated July 20, 2020. The clerk of  
5334 the council is instructed to engross changes from any adopted amendments and correct  
5335 any scrivener's errors. Line numbers have been added to the attachment for ease of  
5336 reference. The clerk of the council is instructed to remove line numbers in the attachment  
5337 on the final version of this legislation adopted by the council before presentation to the  
5338 executive. The clerk of the council is also instructed to update the header to reflect the  
5339 enactment number upon final adoption.  
5340

5341 Strike Attachment I, Tech Appendix S-Public Participation Summary 2020 Update and  
5342 insert Attachment I, Technical Appendix S: Public Participation Summary for 2020  
5343 Update, 2020 Update to 2016 King County Comprehensive Plan, dated July 20, 2020.  
5344 The clerk of the council is instructed to engross changes from any adopted amendments  
5345 and correct any scrivener's errors. Line numbers have been added to the attachment for  
5346 ease of reference. The clerk of the council is instructed to remove line numbers in the  
5347 attachment on the final version of this legislation adopted by the council before  
5348 presentation to the executive. The clerk of the council is also instructed to update the  
5349 header to reflect the enactment number upon final adoption.  
5350

5351 Insert Attachment J, Update to 2012 King County Comprehensive Plan, as adopted by  
 5352 Ordinance 17485, dated July 20, 2020. Upon final adoption, council staff is instructed to  
 5353 reflect the enactment number throughout Attachment D, and coordinate with executive  
 5354 staff to assign new P-suffix or Special District Overlay numbers, modify all 2016  
 5355 Comprehensive Plan and technical maps, as amended, that include the urban growth area  
 5356 boundary, potential annexation areas and the agricultural production district to reflect  
 5357 these changes.

5358

5359 **EFFECT: The changes proposed by Striking Amendment S4.1 include:**

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<b>Topic</b>	<b>S4.1 Changes from Executive's Proposal</b>
<p><b>Four-to-One Program and Growth Management Planning Council /Urban Growth Area (UGA) Changes</b></p> <p>Changes in KCCP Chapter 1 and 2, K.C.C. Title 20</p>	<ul style="list-style-type: none"> <li>Removes all changes related to the Four-to-One Program from the Proposed Ordinance and Attachment A. The existing policy and code would remain in place.</li> </ul>
<p><b>Transfer of Development Rights (TDR) Program</b></p> <p>Changes in KCCP Chapter 3, K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>Allows urban sending sites for any CFT awarded site. Allows for use of TDRs for affordable housing as a pilot program with a cap of 100 units. The price of the affordable housing TDR is limited to the actual administrative costs of the County, with a cap of 15% of the fair market value. Allows discounted TDRs to be used for affordable housing in both incorporated and unincorporated areas. Requires a report 6 months after the 100-unit cap is hit, and a proposed ordinance implementing the recommendations of the report</li> </ul>
<p><b>Non-Resource Industrial Uses in the Rural Area</b></p>	<ul style="list-style-type: none"> <li>Removes all changes related to the Non-Resource Industrial Uses in the Rural Area from Attachment A. The existing policy would remain in place.</li> </ul>

Topic	S4.1 Changes from Executive's Proposal
Changes in KCCP Chapter 3	
<b>Agricultural Production Districts (APDs) and Public Infrastructure</b>  Changes in KCCP Chapter 3	<ul style="list-style-type: none"> <li>• Clarifying changes to when public infrastructure may intrude into an APD. Modifies Policy R-656a to allow the County to approve alternative mitigation for loss of APD land. If acquisition within the same APD at a 1 to 1 ratio is not possible, then a minimum of 3 acres added to 1 acre lost is required, within a minimum 1 acre of acquisition in another APD and up to 2 acres of restoration of unfarmed land within the same APD. Requires that mitigation occur concurrently with removal of the APD land, and clarifies the County must approve the remove and mitigation.</li> </ul>
<b>Vaping Products</b>  Changes in KCCP Chapter 2 and 7	<ul style="list-style-type: none"> <li>• Clarifying changes to create consistency.</li> </ul>
<b>Human Services Role</b>  Changes in KCCP Chapter 4	<ul style="list-style-type: none"> <li>• Technical change.</li> </ul>
<b>Regional Affordable Housing Task Force</b>  Changes in KCCP Chapter 4	<ul style="list-style-type: none"> <li>• Includes additional context and next steps.</li> </ul>
<b>Cottage Housing</b>  Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> <li>• Clarifying changes.</li> <li>• Modify height limit for cottage housing units to accommodate additional square footage allowance.</li> <li>• Modify parking requirement to require a minimum ratio of 1.0 spaces per cottage housing dwelling unit. For cottage housing developments near frequent transit, establishes a minimum parking ratio of 0 spaces per cottage housing dwelling unit.</li> <li>• Provide specificity to façade requirements. Adds language requesting developments consider including a variety of housing sizes</li> </ul>
<b>Accessory Dwelling Units (ADUs)</b>  Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> <li>• Changes to ADUs in urban areas and rural towns to be consistent with other jurisdictions: minimum lot area, square footage allowance, parking requirements, owner-occupancy requirements.</li> <li>• Clarifies height requirements.</li> <li>• Removes outdated code language on subdivision of lots with</li> </ul>

Topic	S4.1 Changes from Executive's Proposal
	<p>ADUs.</p> <ul style="list-style-type: none"> <li>• Allows townhouses to have accessory dwelling units.</li> </ul>
<p><b>Accessory Living Quarters (ALQs)</b></p> <p>Changes in K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>• Changes that provide consistency with proposed ADU regulations: minimum lot area, height requirements, square footage allowance.</li> </ul>
<p><b>Sea Level Rise/ Climate Change/ Greenhouse Gas Mitigation</b></p> <p>Changes in KCCP Chapter 5, K.C.C. Title 20 and Title 21A</p>	<ul style="list-style-type: none"> <li>• Modify the policy from "shall" to "should"</li> <li>• Clarify that the sea level rise protection area is 3 feet above the 2020 FEMA maps.</li> <li>• Clarify the sea level rise risk area development regulations and variance procedures. Creates consistency with floodplain regulations also being considered by Council.</li> <li>• Engrosses changes made by Ordinance 19128 and makes changes to the sea level rise risk area development regulations, consistent with that ordinance.</li> <li>• Modifies Policy R-632 to encourage the County to require landowners converting forestlands to non-forest uses to mitigate the loss carbon sequestration capacity.</li> <li>• Modifies Policy E-215bb to address impacts of climate change to forestland.</li> <li>• Adds Workplan Action 18 to require a Forest Conversion Review Study.</li> </ul>
<p><b>Mineral Resources</b></p> <p>Changes in KCCP Chapter 3 and Chapter 9, K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>• Clarify that coal mines, and oil and gas extraction are not permitted in unincorporated King County.</li> </ul>
<p><b>Fossil Fuel Facilities</b></p> <p>Changes in KCCP Chapter 3 and Chapter 9, K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>• Streamlines lead-in text and policy language.</li> <li>• Streamlines definitions, including fossil fuels, fossil fuel facility, and different kinds of energy generation facilities.</li> <li>• Streamlines and clarifies allowances for non-hydroelectric energy generation facilities; and adds a renewable energy generation facility separate from non-hydroelectric. Adds a development condition for renewable energy generation facility separate from non-hydroelectric to limit the use in the A and F zones to those that convert less than 2 acres or 2.5% of farm or forestland.</li> <li>• Updates Chapter 21A.22 to include coal mines and fossil fuel facilities in periodic review for mineral extraction and materials processing.</li> <li>• Adds language to prohibit fossil fuel facilities from bypassing permit requirements by using nonconforming use chapter.</li> </ul>

Topic	S4.1 Changes from Executive's Proposal
<p><b>Hirst/water availability and exempt wells</b></p> <p>Changes in KCCP Chapter 3 and Chapter 9</p>	<ul style="list-style-type: none"> <li>• Clarifying changes for consistency.</li> </ul>
<p><b>Shoreline Master Program</b></p> <p>Changes in KCCP Chapter 6, and K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>• Clarifying changes for consistency. Technical edits to reflect engrossing of Ordinance 19034 into the KCCP.</li> </ul>
<p><b>Pathways/ Sidewalks in Rural Area</b></p> <p>Changes in KCCP Chapter 8</p>	<ul style="list-style-type: none"> <li>• Adds safe routes to schools as a criteria for sidewalks in the rural area.</li> </ul>
<p><b>Mitigation Payment System</b></p> <p>Changes in KCCP Chapter 8</p>	<ul style="list-style-type: none"> <li>• No changes.</li> </ul>
<p><b>Economic Development</b></p> <p>Changes in KCCP Chapter 10</p>	<ul style="list-style-type: none"> <li>• Removes policy change.</li> </ul>
<p><b>Community Service Area (CSA) Subarea Planning</b></p> <p>Changes in KCCP Chapter 11 and Chapter 12, K.C.C. Title 2 and Title 20</p>	<ul style="list-style-type: none"> <li>• Adds new policy CP-100 in Chapter 11 of the KCCP and code language to Title 2 of the K.C.C. to guide subarea planning, including: establishing a scope of work, more robust community engagement, use of ESJ tools and resources, community needs list, and performance metrics. Ties the community needs list, community service area program, and service partnership agreements to the subarea planning process.</li> <li>• Adjusts the subarea planning schedule to give the Executive 18 months to complete each plan, and 6 months for the Council to review and adopt each plan.</li> <li>• For Skyway-West Hill and North Highline, subarea plans would be transmitted to the Council in December 2021, for adoption in June 2022.</li> <li>• Modifies timeline for audit of subarea planning program from 2021-2022 auditor work program, to the 2023-2024 auditor work program, to ensure the revised subarea</li> </ul>

Topic	S4.1 Changes from Executive's Proposal
	<p>planning program can be implemented before it is subject of audit review.</p> <ul style="list-style-type: none"> <li>• Adds a Workplan Action regarding anti-displacement strategies in Skyway-West Hill and North Highline.</li> </ul>
<p><b>Skyway-West Hill</b> Plan, and associated Code changes, and map amendments – Proposed Ordinance, Attachments A, F (Subarea Plan) and G (Land Use and Zoning Map Amendments)</p> <p>Changes in KCCP Chapter 11, K.C.C. Title 20 and Title 21A</p>	<ul style="list-style-type: none"> <li>• Adopts the Skyway-West Hill Land Use Strategy, as Phase 1 of the Skyway-West Hill Subarea Plan, which includes 25 policies related to residential neighborhoods, commercial areas and community character.</li> <li>• Does not repeal the West Hill Community Plan, which will remain in effect until the Skyway-West Hill Subarea Plan is adopted in 2022.</li> <li>• Corrects references to the active subarea and community plans to reflect Skyway-West Hill Land Use Strategy</li> <li>• Added trails as an allowed use in the pedestrian-oriented commercial development SDO</li> <li>• Technical corrections to the Mixed-Use SDO</li> <li>• Updates Chapter 11 to reflect adoption of Land Use Strategy as Phase 1 of the Skyway-West Hill Subarea Plan.</li> <li>• Map amendments moved from Attachment G to Attachment D and all map amendments are renumbered (8.a., 8.b, etc.)</li> <li>• SWH Map amendments 4 and 12 are not included.</li> <li>• SWH Map amendments 6, 9, 10 and 11 are modified.</li> <li>• In the pedestrian-oriented SDO, made technical clarifications to the permitted uses, and modifications to design standards.</li> </ul>
<p><b>Workplan Action Items</b></p> <p>Changes in KCCP Chapter 12, K.C.C. Title 20</p>	<ul style="list-style-type: none"> <li>• Changes to the Workplan, and allowance to modify the Workplan with annual or midpoint updates if related to adopted scope of work.</li> <li>• Modifies 4 Workplan Actions to change the deadlines.</li> <li>• Clarification to name of GMPC Workplan Action Items</li> <li>• Changes to Action 1 to reflect changes made to the subarea planning program.</li> </ul>
<p><b>Residential Density Incentives Program</b></p> <p>Changes in KCCP Chapter 12</p>	<ul style="list-style-type: none"> <li>• Adds a Workplan Action to update Residential Density Incentive code.</li> </ul>
<p><b>2024 Adoption/ Shifting 8-year process</b></p> <p>Changes in KCCP Chapter 12 (and others), K.C.C. Title 20</p>	<ul style="list-style-type: none"> <li>• Modifies next major eight-year update to 2024 as a result of state law change after Executive's transmittal. Modifies deadline to adopt 2020 update to the last business day in July 2020.</li> </ul>

<b>Topic</b>	<b>S4.1 Changes from Executive's Proposal</b>
<p><b>Equity Impact Review for Upzones</b></p> <p>Changes in KCCP Chapter 2</p>	<ul style="list-style-type: none"> <li>Modifies KCCP Policy U-125 to require an equity impact analysis for all areawide zoning amendment or zoning reclassification proposals, and requires displacement impacts to be mitigated as a criteria for approval. For zoning reclassifications not initiated by the County, a community meeting is required, with translation and interpretation services provided.</li> </ul>
<p><b>Real Property Asset Management Plan (RAMP)</b></p> <p>Changes in KCCP Chapter 9, K.C.C. Title 20 and Title 4</p>	<ul style="list-style-type: none"> <li>Recodifies the RAMP into a section of the code regarding real property, clarifies that the RAMP is intended to implement the KCCP, and clarifies process requirements for the Executive's transmittal of the RAMP and the Council's role in amending the Executive's proposal and ability to initiate a RAMP update to modify policies within the RAMP.</li> </ul>
<p><b>Terminology and data updates, corrections</b></p> <p>Changes throughout KCCP, K.C.C. Title 20 and Title 21A</p>	<ul style="list-style-type: none"> <li>Consistency, technical edits.</li> </ul>
<p><b>Maps in KCCP – Attachment A</b></p> <p>Changes throughout KCCP</p>	<ul style="list-style-type: none"> <li>Technical changes to reflect other modifications from Executive's transmitted plan and error identification</li> </ul>
<p><b>Bear Creek Urban Planned Development Conversion</b></p> <p>Changes in KCCP Chapter 11, K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>Add Daycare II as a permitted use in the Bear Creek Office and Retail Special District Overlay (SDO), and expands that SDO to additional property in Map Amendment 7.b.</li> <li>Technical correction in Map Amendment 7.c. to conform to other changes made</li> <li>Changes for consistency with other changes made</li> </ul>
<p><b>Fall City Business District SDO</b></p> <p>Changes in K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>Adds parks as a permitted use in the Fall City Business District SDO.</li> </ul>
<p><b>Map Amendments</b></p> <p>Changes in K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>Map Amendment 1b – remove existing p-suffix condition</li> <li>Map Amendment 2 to remove property additions to the APD.</li> <li>Map Amendment 3 – adds code changes related to project</li> <li>Map Amendments 7a-7h – amends map amendment</li> </ul>

Topic	S4.1 Changes from Executive's Proposal
Changes in Attachment D (Land Use and Zoning Map Amendments) and Attachment G (Skyway-West Hill Land Use and Zoning Map Amendments)	<p>numbering so that parcels are only affected by one Bear Creek-related amendment; critical area and golf course tracts are zoned R-1; adds fossil fuel facility use to proposed business park P-suffix condition; ties proposed RV parking P-suffix condition to plat condition</p> <ul style="list-style-type: none"> <li>• Amendments 8a-8j – excludes a map amendment to rezone parcels to CB along Renton Ave S; removes R-6/R-12 to R-18 upzone but maintains affordable unit requirement; removes R-24 to R-48 upzone but maintains affordable unit requirement; adds requirements to the p-suffix condition related to mobile home parks; modifies marijuana retailer cap to also include NB zones in Skyway-West Hill; excludes a map amendment to rezone properties from R-6 to R-12 on Renton Ave S.</li> <li>• Adds Map Amendment 9 regarding Racetrack zoning. Repeals 2012 map amendment that has not been effectuated for the same property.</li> <li>• Consistency or technical changes to all map amendments</li> </ul>
Transportation Appendix C to KCCP	<ul style="list-style-type: none"> <li>• Technical changes</li> </ul>
Transportation Appendix C1 to KCCP	<ul style="list-style-type: none"> <li>• Technical changes</li> </ul>
Winery/Brewery/ Distillery (WBD) Regulations	<ul style="list-style-type: none"> <li>• Repeals Ordinance 19030, re-establishes the WBD regulations that existed prior to Ordinance 19030, and directs the Executive to transmit new legislation after the SEPA process is complete.</li> </ul>

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