

7/17/20
2020 KCCP
Striking Amendment S4

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

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

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

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

6 **SECTION 1. Findings:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

W. This ordinance repeals the invalidated sections of Ordinance 19030, and removes zoning regulations for wineries, breweries, distilleries and remote tasting rooms. This ordinance also directs the executive to transmit a proposed ordinance recommending regulations for this uses within six months of the end of the SEPA review and all comment and appeal periods requested by Motion 15649.

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

156 18810.

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

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

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

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

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

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

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

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

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

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

186 2. Preparing forecasts of and monitor revenues;

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

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

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

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

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

197 8. Performance management and accountability:

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

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

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

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

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

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

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

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

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

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

9. Strategic planning and interagency coordination:

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

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

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

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

10. Business relations and economic development:

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

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

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

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

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

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

11. Continuous improvement:

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

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

12. Regional planning:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

298 a. liquor licenses under chapter 66.20 RCW; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

390 2. Each community needs list shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. identify public meetings for the area;

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

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

492 and social justice's Community Engagement Guide for the development, review,
493 amendment, adoption and implementation of the community needs list; and

494 h. establish performance metrics to monitor the implementation of the work
495 program.

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

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

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

507 2. Service partnerships agreements shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

582 2. The permitting division manager shall be the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

717 Ordinance 12627.

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

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

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

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

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

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

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

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

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

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

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

as Appendix B, as amended is hereby repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Adoption of community service area subarea plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

970 executive proposal shall include the following:

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

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

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

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

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

1001 H. Following the submittal of the information required by subsection E., F. or G. of
1002 this section, the department of local services, permitting division, shall submit a report
1003 including an executive recommendation on the proposed amendment to the hearing
1004 examiner within one hundred twenty days. The department of local services, permitting
1005 division, shall provide notice of a public hearing and notice of threshold determination in
1006 accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the
1007 hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing, the
1008 hearing examiner shall prepare a report and recommendation on the proposed amendment
1009 in accordance with K.C.C. 20.22.170. A compilation of all completed reports will be
1010 considered by the council in accordance with K.C.C. 20.18.070.

1011 I. A property-owner-initiated docket request for a site-specific land use map or
1012 shoreline master program map amendment may be accompanied by an application for a
1013 zone reclassification to implement the proposed amendment, in which case administrative
1014 review of the two applications shall be consolidated to the extent practical consistent with
1015 this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land

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

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

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

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

a copy of this decision to the proponent.

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

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

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

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

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

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

3. Compatibility with the surrounding development pattern.

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

1062 council committee charged with the review of the ((e))Comprehensive ((p))Plan.
1063 Following this review, site-specific land use map amendments which are recommended by
1064 this committee will be incorporated as an attachment to the adopting ordinance transmitted
1065 by the executive for consideration by the full council. Final action by the council on these
1066 amendments will occur concurrently with the annual ((amendment)) update to the
1067 ((e))Comprehensive ((p))Plan.

1068 SECTION 11. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060
1069 are hereby amended to read as follows:

1070 A. Beginning in ((2024)) 2022, and every eighth year thereafter the executive shall
1071 transmit to the council by the last business day of June a proposed motion specifying the
1072 scope of work for the proposed ((amendments)) update to the Comprehensive Plan that will
1073 occur in the following year, which motion shall include the following:

1074 1. Topical areas relating to amendments to policies, the land use map,
1075 implementing development regulations, or any combination of those amendments that the
1076 executive intends to consider for recommendation to the council; and

1077 2. An attachment to the motion advising the council of the work program the
1078 executive intends to follow to accomplish ((s))State Environmental Policy Act review and
1079 public participation.

1080 B. The council shall have until September 15 to approve the motion. In the
1081 absence of council approval, the executive shall proceed to implement the work program as
1082 proposed. If the motion is approved, the work program shall proceed as established by the
1083 approved motion.

1084 C. Beginning in ~~((2022))~~ 2023 and every eighth year thereafter, the executive shall
1085 transmit to the council by the last business day of June a proposed ordinance ~~((amending))~~
1086 updating the Comprehensive Plan, except that the capital improvement program and the
1087 ordinances adopting updates to the transportation needs report and the school capital
1088 facility plans shall be transmitted no later than the biennial budget transmittal and shall be
1089 adopted in conjunction with the budget. However, in those years when there is only a
1090 midbiennium review of the budget, the ordinances adopting the capital improvement plan
1091 and the school capital facility plans shall be transmitted by October 1 and adopted no later
1092 than the midbiennium review under K.C.C. 4A.100.010. All transmittals shall be
1093 accompanied by a public participation note, identifying the methods used by the executive
1094 to ensure early and continuous public participation in the preparation of amendments. The
1095 council shall have until June 30 of the following year to adopt ~~((the amendments))~~ an
1096 update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

1097 SECTION 12. Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070
1098 are hereby amended to read as follows:

1099 A. The executive shall transmit to the council ~~((any proposed amendments for))~~ the
1100 annual update by the last business day of June, except that the capital improvement
1101 program and the ordinances adopting updates to the transportation needs report and the
1102 school capital facility plans shall be transmitted no later than the biennial budget transmittal
1103 and shall be adopted in conjunction with the budget. However, in those years when there is
1104 only a midbiennium review of the budget, the ordinances adopting the capital improvement
1105 plan and the school capital facility plans shall be transmitted by October 1, and adopted no
1106 later than the midbiennium review under K.C.C. 4A.100.010.

1107 B. All transmittals shall be accompanied by a public participation note, identifying
1108 the methods used by the executive to assure early and continuous public participation in the
1109 preparation of ((amendments)) updates.

1110 C. Proposed amendments, including site-specific land use map amendments, that
1111 are found to require preparation of an environmental impact statement, shall be considered
1112 for inclusion in the next annual, midpoint or eight-year update following completion of the
1113 appropriate environmental documents.

1114 SECTION 13. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020
1115 are hereby amended to read as follows:

1116 A. Land use permit decisions are classified into four types, based on who makes
1117 the decision, whether public notice is required, whether a public hearing is required before
1118 a decision is made and whether administrative appeals are provided. The types of land use
1119 decisions are listed in subsection E. of this section.

1120 1. Type 1 decisions are made by the permitting division manager or designee
1121 ("the director") of the department of local services ("the department"). Type 1 decisions
1122 are nonappealable administrative decisions.

1123 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
1124 decisions that are subject to administrative appeal.

1125 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
1126 following an open record hearing. Type 3 decisions may be appealed to the county council,
1127 based on the record established by the hearing examiner.

1128 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
1129 record established by the hearing examiner.

1130 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise
1131 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
1132 applications that would require more than one type of land use decision process may be
1133 processed and decided together, including any administrative appeals, using the highest-
1134 numbered land use decision type applicable to the project application.

1135 C. Certain development proposals are subject to additional procedural requirements
1136 beyond the standard procedures established in this chapter.

1137 D. Land use permits that are categorically exempt from review under SEPA do not
1138 require a threshold determination (determination of nonsignificance ["DNS"] or
1139 determination of significance ["DS"]). For all other projects, the SEPA review procedures
1140 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

1141 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 ^{1,2}	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit ³ ; building permit, site development permit or

		clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions 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 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 ^{1,4}	(Recommendation by director, hearing and recommendation	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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1142 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
1143 appeals and appeals of Type 3 and 4 decisions to the council.

1144 ² When an application for a Type 2 decision is combined with other permits requiring
1145 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes
1146 the decision.

1147 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
1148 the state Shorelines Hearings Board and not to the hearing examiner.

1149 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
1150 council at any time. Zone reclassifications that are not consistent with the
1151 Comprehensive Plan require a site-specific land use map amendment and the council's
1152 hearing and consideration shall be scheduled with the amendment to the Comprehensive
1153 Plan under K.C.C. 20.18.040 and 20.18.060.

1154 F. The definitions in K.C.C. 21A.45.020 apply to this section.

1155 SECTION 14. Ordinance 13147, Section 34, as amended, and K.C.C. 20.22.170
1156 are hereby amended to read as follows:

1157 A. Upon initiation of a site-specific land use map amendment to the
1158 Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing
1159 to consider the department's written recommendation and to take testimony and receive
1160 additional evidence relating to the proposed amendment. The examiner may consolidate

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

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

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

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

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

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

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

1184 with the ((e))Comprehensive ((p))Plan land use map and policies, so as to implement the
 1185 ((e))Comprehensive ((p))Plan and convert old outright and potential ((~~zone designations~~))
 1186 zoning classifications to new ones in a consistent manner. ((~~The provisions of t~~))This
 1187 section also shall apply to conversion of the resource lands area zoning adopted pursuant to
 1188 K.C.C. 20.12.390.

1189 C. Conversion table. The following conversion table and criteria contained therein
 1190 shall be used by the department in converting the zoning maps adopted pursuant to
 1191 Resolution 25789 to the 1993 Zoning Code:

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

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

		((e)) <u>Comprehensive</u> ((p)) <u>Plan</u> 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)) <u>Comprehensive</u> ((p)) <u>Plan</u> 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	

1192 D. Unclassified Use Permit Mining Operations. In addition to the conversions
1193 set out in the table in subsection C. of this section, all sites legally operating pursuant to
1194 an unclassified use permit for mining operations shall be zoned M (Mineral).

1195 E. Resolution of map conflicts. In cases of ambiguity or conflict between a
1196 community or ((~~e~~))Comprehensive ((~~p~~))Plan ((~~map~~)) land use designation and the
1197 ((~~zone~~)) zoning classification applied under the old code, the department shall use the
1198 following guidelines and procedures in recommending new zones:

1199 1. As a general rule, the outright or potential zoning ((~~designation~~))
1200 classification applied shall be that which is consistent with the 1994 King County
1201 Comprehensive Plan; adopted community plans, where they do not conflict, may be used
1202 to provide additional guidance;

1203 2. If the application of the guidelines in this subsection leads the department to
1204 propose applying an outright or potential ((~~zone~~)) zoning classification from the 1993

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

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

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

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

1228 zone changes which meet one of the following criteria shall be considered during either
1229 the department or council review process:

1230 1. As provided in subsection E. of this section;

1231 2. When an applicant can demonstrate that the department's proposal incorrectly
1232 implements an adopted ~~((e))~~Comprehensive ~~((p))~~Plan map designation or policy in
1233 converting existing zoning to a new ~~((zone))~~ zoning classification; or

1234 3. The site is the subject of an application for a Master Planned Development or
1235 Urban Planned Development, and conversion to the 1993 Zoning Code is requested as
1236 part of such application. Rezoning of such sites during the conversion, area zoning
1237 otherwise shall be to Urban Reserve with the urban planned development overlay district
1238 as provided in K.C.C. chapter 21A.38.

1239 I. Requests which do not meet one of the criteria of subsection H. of this section
1240 shall be treated as quasi-judicial reclassification requests which must be formally applied
1241 for according to the process provided for such requests and shall be subject to the criteria
1242 in K.C.C. 20.22.150.

1243 J. Requests for quasi-judicial reclassification that are consistent with the
1244 conversion table illustrated in subsection C. of this section and requests for quasi-judicial
1245 reclassification to the M zone, shall not be subject to the criteria in K.C.C. 20.22.150.

1246 K. Bear Creek MPD's. The following transition provisions shall apply to the
1247 Master Plan Development applications in the Bear Creek Community Plan (BCCP).

1248 1. An applicant may either continue to utilize the procedural provisions of the
1249 BCCP or may utilize the procedural provisions of K.C.C. chapter 21A.39.

1250 2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-
1251 Development Applications previously submitted for the Blakely Ridge MPD and the
1252 Northridge MPD are deemed the equivalent of and accepted as complete applications for
1253 "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

1254 3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix
1255 conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area
1256 Zoning (page 140) shall remain in effect for purposes of considering the UPD
1257 applications, under either the BCCP or K.C.C. chapter 21A.39.

1258 4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or
1259 multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone
1260 and potential ((~~zone designations~~)) zoning classifications of the 1993 zoning code.

1261 5. The Novelty Hill Master Plan sites and urban designation adopted and
1262 delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be
1263 considered "UPD Special District Overlays" and "UPD boundary delineations" for
1264 purposes of applying K.C.C. 21A.38.020, 21A.38.070B.1, and ((~~070B.1~~))2, and K.C.C.
1265 21A.39.020.

1266 SECTION 16. Ordinance 10870, Section 21, and K.C.C. 21A.02.110 are hereby
1267 amended to read as follows:

1268 A. Except when such areas are specifically ((~~designated~~)) classified on the zoning
1269 map as being classified in one of the zones provided in this title, land contained in rights-
1270 of-way for streets or alleys, or railroads shall be considered unclassified.

1271 B. Within street or alley rights-of-way, uses shall be limited to street purposes as
1272 defined by law.

1273 C. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or
1274 other operating devices, movement of rolling stock, utility lines and equipment, and
1275 ~~((facilities accessory to and used directly for the delivery and distribution of services to~~
1276 ~~abutting property))~~ freight-rail dependent uses.

1277 D. Where such right-of-way is vacated, the vacated area shall have the ~~((zone))~~
1278 zoning classification of the adjoining property with which it is first merged.

1279 SECTION 17. Ordinance 10870, Section 22, as amended, and K.C.C.
1280 21A.04.010 are hereby amended to read as follows:

1281 In order to accomplish the purposes of this title the following zoning
1282 ~~((designations))~~ classifications and zoning map symbols are established:

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

1291 amendments to this title.

1292 SECTION 19. Ordinance 10870, Section 28, as amended, and K.C.C.

1293 21A.04.070 are hereby amended to read as follows:

1294 A. The purposes of the urban reserve zone (UR) are to phase growth and demand
1295 for urban services, and to reserve large tracts of land for possible future growth in
1296 portions of King County designated by the Comprehensive Plan for future urban growth
1297 while allowing reasonable interim uses of property; or to reflect designation by the
1298 Comprehensive Plan of a property or area as part of the urban growth area when a
1299 detailed plan for urban uses and densities has not been completed(~~(; or when the area has~~
1300 ~~been designated as a site for a potential urban planned development or new fully~~
1301 ~~contained community, as provided in K.C.C. 21A.38.070)).~~ These purposes are
1302 accomplished by:

- 1303 1. Allowing for rural, agricultural and other low-density uses;
- 1304 2. Allowing for limited residential growth, either contiguous to existing urban
1305 public facilities, or at a density supportable by existing rural public service levels; and
- 1306 3. Requiring clustered residential developments where feasible, to prevent
1307 establishment of uses and lot patterns which may foreclose future alternatives and impede
1308 efficient later development at urban densities.

1309 B. Use of this zone is appropriate in urban areas, rural towns or in rural city
1310 expansion areas designated by the Comprehensive Plan, when such areas do not have
1311 adequate public facilities and services or are not yet needed to accommodate planned
1312 growth, do not yet have detailed land use plans for urban uses and densities, or are

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

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

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

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

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

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

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

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

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

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

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

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

- 1359 1. Phase development based on availability of public facilities and services or
1360 infrastructure improvements, such as roads, utilities and schools;
- 1361 2. Prevent existing development from becoming a nonconforming use in areas
1362 that are in transition from previous uses;
- 1363 3. Allow for future residential density increases consistent with a community
1364 plan; and
- 1365 4. Provide for public review of proposed uses on sites where some permitted uses
1366 in a ((~~zone designation~~)) zoning classification may not be appropriate.

1367 SECTION 24. Ordinance 10870, Section 39, and K.C.C. 21A.04.180 are hereby
1368 amended to read as follows:

1369 The purpose of the interim ((~~zone designation~~)) zoning classification (* suffix to
1370 zone's map symbol) is to identify areas where zoning has been applied for a limited period
1371 of time in order to preserve the county's planning options and to protect the public safety,
1372 health and general welfare during an emergency or pending a community, comprehensive
1373 or functional plan amendment process. Any of the zones set forth in this chapter, with or
1374 without -P suffix conditions, may be applied as interim zones. The adopting ordinance
1375 shall state the reasons for the interim zoning and provide for its expiration upon a certain
1376 date or the adoption of a new plan, plan amendment or area zoning.

1377 SECTION 25. Ordinance 10870, Section 42, and K.C.C. 21A.06.010 are hereby
1378 amended as follows:

1379 Accessory living quarters: living quarters in an accessory building for the use of
1380 the occupant or persons employed on the premises, or for temporary use ((~~of~~)) by guests
1381 of the occupant. Such quarters ((~~have no kitchen~~)) do not include an area for the

1382 preparation or storage of food and are not ~~((otherwise))~~ used as a separate dwelling unit.

1383 SECTION 26. Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015

1384 are hereby amended as follows:

1385 Accessory use, commercial/industrial: an accessory use to a commercial or

1386 industrial use, including, but not limited to:

1387 A. Administrative offices;

1388 B. Employee exercise facilities;

1389 C. Employee food service facilities;

1390 D. Incidental storage of raw materials and finished products sold or manufactured

1391 on-site;

1392 E. Business owner or caretaker residence;

1393 F. Cogeneration facilities; ~~((and))~~

1394 G. Ground maintenance facilities; and

1395 H. Consumer-scale renewable energy systems.

1396 SECTION 27. Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020

1397 are hereby amended as follows:

1398 Accessory use, residential: an accessory use to a residential use, including, but

1399 not limited to:

1400 A. Accessory living quarters and dwellings;

1401 B. Fallout or bomb shelters;

1402 C. Keeping household pets or operating a hobby cattery or hobby kennel;

1403 D. On-site rental office;

1404 E. Pools, private docks or piers;

1405 F. Antennae for private telecommunication services;
1406 G. Storage of yard maintenance equipment;
1407 H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;
1408 I. Greenhouses;
1409 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas
1410 required under K.C.C. 21A.14.190; ~~((and))~~
1411 K. Home occupations and home industries under K.C.C. chapter 21A.30; and
1412 L. Consumer-scale renewable energy systems.
1413 SECTION 28. Ordinance 10870, Section 45, as amended and K.C.C. 21A.06.025
1414 are hereby amended as follows:
1415 Accessory use, resource: an accessory use to a resource use, including, but not
1416 limited to:
1417 A. Housing of agricultural workers; ~~((and))~~
1418 B. Storage of agricultural products or equipment used on site; and
1419 C. Consumer-scale renewable energy systems.
1420 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter 21A.06
1421 a new section to read as follows:
1422 Consumer-scale renewable energy system: a facility that produces on-site energy
1423 using renewable resources, such as solar, wind or geothermal, for the property on which
1424 the facility is located. A consumer-scale renewable energy system does not include
1425 energy generated at a scale for sale or donation to others, excluding net metering.
1426 SECTION 30. K.C.C. 21A.06.150, as amended by this ordinance, is hereby
1427 recodified as a new section in K.C.C. chapter 21A.06.

1428 SECTION 31. Ordinance 11157, Section 29, and K.C.C. 21A.06.150 are hereby
1429 amended to read as follows:

1430 ~~((Bulk))~~ Local distribution gas storage tank~~((s))~~: ~~((A))~~a tank from which
1431 illuminating, heating, or liquefied gas is distributed by piping directly to individual users.
1432 A local distribution gas storage tank is not a fossil fuel facility.

1433 SECTION 32. Ordinance 13319, Section 3, and K.C.C. 21A.06.197 are hereby
1434 amended to read as follows:

1435 Coal mine by-products stockpile~~((s))~~: an accumulation, greater than five hundred
1436 cubic yards and five feet of vertical depth, of undisturbed waste and/or byproduct materials
1437 having greater than fifty percent, as measured by weight, of ~~((mineral))~~ coal or coal shale
1438 as a component and which resulted from historic coal mining.

1439 NEW SECTION. SECTION 33. There is hereby added to K.C.C. chapter 21A.06
1440 a new section to read as follows:

1441 Fossil fuels: petroleum and petroleum products, coal and natural gas, such as
1442 methane, propane and butane, derived from prehistoric organic matter and used to generate
1443 energy. Fossil fuels do not include:

1444 A. Petrochemicals that are used primarily for non-fuel products, such as asphalt,
1445 plastics, lubricants, fertilizer, roofing and paints;

1446 B. Fuel additives, such as denatured ethanol and similar fuel additives, or
1447 renewable fuels, such as biodiesel or renewable diesel with less than five percent fossil
1448 fuel content; or

1449 C. Methane generated from the waste management process, such as wastewater
1450 treatment, anaerobic digesters, landfill waste management, livestock manure and

1451 composting processes.

1452 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter 21A.06
1453 a new section to read as follows:

1454 Fossil fuel facility: a commercial facility used primarily to receive, store, refine,
1455 process, transfer, wholesale trade or transport fossil fuels, such as, but not limited to, bulk
1456 terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel
1457 facilities do not include: individual storage facilities of up to thirty thousand gallons and
1458 total cumulative facilities per site of sixty thousand gallons for the purposes of retail or
1459 direct-to-consumer sales, facilities or activities for local consumption; noncommercial
1460 facilities, such as storage for educational, scientific or governmental use; or uses preempted
1461 by federal rule or law.

1462 SECTION 35. Ordinance 10870, Section 201, and K.C.C. 21A.06.805 are hereby
1463 amended to read as follows:

1464 Non-hydro((-))electric generation facility: an establishment for the generation of
1465 electricity by nuclear reaction, burning fossil fuels((;)) or other electricity generation
1466 methods, excluding renewable energy.

1467 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter
1468 21A.06 a new section to read as follows:

1469 Petroleum refining and related industries: uses in SIC Industry No. 2911,
1470 excluding fossil fuel facilities.

1471 NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter
1472 21A.06 a new section to read as follows:

1473 Renewable energy generation facility: a solar energy system, including a

1474 community solar project, geothermal system or a wind generator, used for generating
1475 electricity. Renewable energy generation facility does not include consumer-scale
1476 renewable energy systems.

1477 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter
1478 21A.06 a new section to read as follows:

1479 Sea level rise protection elevation: three feet above the base flood elevation
1480 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,
1481 2020, for the adjacent coastal high hazard area flood zone. The sea level rise protection
1482 elevation only applies to Vashon-Maury Island.

1483 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter 21A.06
1484 a new section to read as follows:

1485 Sea level rise risk area: lands on Vashon-Maury Island adjacent to a coastal high
1486 hazard area that extend landward to an elevation three feet above the base flood elevation
1487 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,
1488 2020, for the adjacent coastal high hazard area flood zone.

1489 SECTION 40. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are
1490 hereby amended to read as follows:

1491 Utility facility: a facility for the distribution or transmission of services, including:

1492 A. Telephone exchanges;

1493 B. Water pipelines, pumping or treatment stations;

1494 C. Electrical substations;

1495 D. Water storage reservoirs or tanks;

1496 E. Municipal groundwater well-fields;

1497 F. Regional surface water flow control and water quality facilities;

1498 G. Natural gas pipelines, gate stations and limiting stations, limited to local

1499 distribution service and excluding fossil fuel facilities;

1500 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving

1501 multiple lots or uses from which fuel is distributed directly to individual users, limited to

1502 local distribution service and excluding fossil fuel facilities;

1503 I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor

1504 control facilities; and

1505 J. Communication cables, electrical wires and associated structural supports.

1506 SECTION 41. Ordinance 10870, Section 315, and K.C.C. 21A.06.1375 are

1507 hereby amended to read as follows:

1508 Warehousing and wholesale trade: establishments involved in the storage and/or

1509 sale of bulk goods for resale or assembly, excluding establishments offering the sale of

1510 bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070

1511 and excluding local distribution gas storage tanks. These establishments shall include only

1512 SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423, excluding

1513 fossil fuels and fossil fuel facilities.

1514 SECTION 42. Ordinance 10870, Section 330, as amended, and K.C.C.

1515 21A.08.030 are hereby amended to read as follows:

1516 A. Residential land uses.

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

	DWELLING UNITS, TYPES:											
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P15			
*	Townhouse				C4	C4	P11 C12	P	P3	P3	P3	P3
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3
*	Mobile Home Park				S13		C8	P				
*	Cottage Housing						P15					
	GROUP RESIDENCES:											
*	Community Residential Facility-I				C	C	P14. a C	P	P3	P3	P3	P3
*	Community Residential Facility-II						P14. b	P	P3	P3	P3	P3
*	Dormitory				C6	C6	C6	P				
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3
	ACCESSORY USES:											
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18
*	Home Industry	C			C	C	C					
	TEMPORARY LODGING:											
7011	Hotel/Motel (1)								P	P	P	
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10	
7041	Organization Hotel/Lodging Houses						P17				P	

1517 B. Development conditions.

1518 1. Except bed and breakfast guesthouses.

1519 2. In the forest production district, the following conditions apply:

1520 a. Site disturbance associated with development of any new residence shall be

1521 limited to three acres. Site disturbance shall mean all land alterations including, but not

1522 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage

1523 disposal systems and driveways. Additional site disturbance for agriculture, including

1524 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be

1525 approved only if a farm management plan is prepared in accordance with K.C.C. chapter

1526 21A.30. Animal densities shall be based on the area devoted to animal care and not the

1527 total area of the lot;

1528 b. A forest management plan shall be required for any new residence in the

1529 forest production district, that shall be reviewed and approved by the King County

1530 department of natural resources and parks before building permit issuance; and

1531 c. The forest management plan shall incorporate a fire protection element that

1532 includes fire safety best management practices developed by the department.

1533 3. Only as part of a mixed use development subject to the conditions of K.C.C.

1534 chapter 21A.14, except that in the NB zone on properties with a land use designation of

1535 commercial outside of center (CO) in the urban areas, stand-alone townhouse

1536 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and

1537 21A.14.180.

1538 4. Only in a building listed on the National Register as an historic site or

1539 designated as a King County landmark subject to K.C.C. chapter 21A.32.

1540 5.a. In the R-1 zone, apartment units are permitted, if:

1541 (1) At least fifty percent of the site is constrained by unbuildable critical

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

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

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

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

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

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

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

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

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

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

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

1565 or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling
1566 unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;

1567 (3) ~~((The primary dwelling unit or the accessory dwelling unit shall be owner~~
1568 ~~occupied;~~

1569 (4)~~(a) Except as otherwise provided in subsection B.7.a.(5) of this section,~~
1570 ~~one of them))~~The accessory dwelling unit(s) shall not exceed one thousand square feet of
1571 heated floor area and one thousand square feet of unheated floor area except;

1572 (a) ~~when ((one of))~~ the accessory dwelling unit(s) is wholly contained
1573 within a basement or attic, this limitation does not apply; ((and))

1574 (b) ~~((When the primary and accessory dwelling units are located in the same~~
1575 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~
1576 ~~entrance may be located on each street;~~

1577 ~~(5) On))~~ for detached accessory dwelling units, the floor area contained in a
1578 basement does not count toward the floor area maximum; or

1579 (c) on a site zoned RA((:

1580 ~~(a) If))~~if one transferable development right is purchased from the Rural Area
1581 or Natural Resource Lands under K.C.C. chapter 21A.37, the ((smaller of the)) accessory
1582 dwelling unit(s) is permitted a maximum heated floor area ((up to)) of one thousand
1583 five hundred square feet and one thousand five hundred square feet of unheated floor
1584 area; ((and

1585 ~~(b) If one transferable development right is purchased from the Rural Area~~
1586 ~~or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling~~
1587 ~~unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than~~

1588 ~~three and three-quarters acres;~~

1589 ~~((6) One additional off-street parking space shall be provided;))~~

1590 (4) Accessory dwelling units that are not wholly contained within an existing

1591 dwelling unit shall not exceed the base height established in 21A.12.030;

1592 (5) When the primary and accessory dwelling units are located in the same

1593 building, or in multiple buildings connected by a breezeway or other structure, only one

1594 entrance may front a street;

1595 (6) No additional off-street parking spaces are required for accessory

1596 dwelling units;

1597 (7) The primary dwelling unit or the accessory dwelling unit shall be

1598 occupied either by the owner of the primary dwelling unit or by an immediate family

1599 member of the owner. Immediate family members are limited to spouses, siblings,

1600 parents, grandparents, children and grandchildren, either by blood, adoption or marriage,

1601 of the owner. The accessory dwelling unit shall be converted to another permitted use or

1602 shall be removed if ((one of the)) neither dwelling unit((s ceases to be owner)) is

1603 occupied by the owner or an immediate family member; ((and))

1604 (8) An applicant seeking to build an accessory dwelling unit shall file a notice

1605 approved by the department of executive services, records and licensing services

1606 division, that identifies the dwelling unit as accessory. The notice shall run with the land.

1607 The applicant shall submit proof that the notice was filed before the department ~~((shall))~~

1608 approves any permit for the construction of the accessory dwelling unit. The required

1609 contents and form of the notice shall be set forth in administrative rules~~((. If an accessory~~

1610 ~~dwelling unit in a detached building in the rural zone is subsequently converted to a~~

1611 ~~primary unit on a separate lot, neither the original lot nor the new lot may have an~~
1612 ~~additional detached accessory dwelling unit constructed unless the lot is at least twice the~~
1613 ~~minimum lot area required in the zone)); and~~

1614 (9) Accessory dwelling units ~~((and accessory living quarters))~~ are not allowed
1615 in the F zone.

1616 b. Accessory living quarters:

1617 (1) are limited to one per lot;

1618 (2) are allowed only on lots of three thousand two hundred square feet or
1619 greater when located in the urban area or a rural town;

1620 (3) shall not exceed the base height as established in K.C.C. 21A.12.030;

1621 (4) shall not exceed one thousand square feet of heated floor area and one
1622 thousand square feet of unheated floor area; and

1623 (5) are not allowed in the F zone.

1624 c. One single or twin engine, noncommercial aircraft shall be permitted only
1625 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody
1626 or landing field, but only if there are:

1627 (1) no aircraft sales, service, repair, charter or rental; and

1628 (2) no storage of aviation fuel except that contained in the tank or tanks of the
1629 aircraft.

1630 ~~((e.))~~ d. Buildings for residential accessory uses in the RA and A zone shall not
1631 exceed five thousand square feet of gross floor area, except for buildings related to
1632 agriculture or forestry.

1633 8. Mobile home parks shall not be permitted in the R-1 zones.

1634 9. Only as accessory to the permanent residence of the operator, and:
1635 a. Serving meals shall be limited to paying guests; and
1636 b. The number of persons accommodated per night shall not exceed five,
1637 except that a structure that satisfies the standards of the International Building Code as
1638 adopted by King County for R-1 occupancies may accommodate up to ten persons per
1639 night.

1640 10. Only if part of a mixed use development, and subject to the conditions of
1641 subsection B.9. of this section.

1642 11. Townhouses are permitted, but shall be subject to a conditional use permit if
1643 exceeding base density.

1644 12. Required before approving more than one dwelling on individual lots,
1645 except on lots in subdivisions, short subdivisions or binding site plans approved for
1646 multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.
1647 of this section.

1648 13. No new mobile home parks are allowed in a rural zone.

1649 14.a. Limited to domestic violence shelter facilities.

1650 b. Limited to domestic violence shelter facilities with no more than eighteen
1651 residents or staff.

1652 15. Only in the R4-R8 zones (~~((limited to))~~) subject to the following standards:
1653 a. ~~((developments no larger than one acre;~~
1654 ~~b. not adjacent to another cottage housing development such that the total~~
1655 ~~combined land area of the cottage housing developments exceeds one acre;~~
1656 ~~e. All units must be))~~ Developments shall contain only cottage housing units

1657 with no ~~((less))~~ fewer than three units ~~((and no more than sixteen units, provided that if))~~.

1658 If the site contains an existing home that is not being demolished, the existing house is
1659 not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the floor
1660 area and footprint limits in K.C.C. 21A.14.025.B.;

1661 b. Cottage housing developments should consider including a variety of
1662 housing sizes, such as units with a range of bedroom sizes or total floor area; and

1663 ~~((d.))~~ c. Before filing an application with the department, the applicant shall
1664 hold a community meeting in accordance with K.C.C. 20.20.035.

1665 16. The development for a detached single-family residence shall be consistent
1666 with the following:

1667 a. The lot must have legally existed before March 1, 2005;

1668 b. The lot has a Comprehensive Plan land use designation of Rural
1669 Neighborhood Commercial Center or Rural Area; and

1670 c. The standards of this title for the RA-5 zone shall apply.

1671 17. Only in the R-1 zone as an accessory to a golf facility and consistent with
1672 K.C.C. 21A.08.040.

1673 18. Allowed if consistent with K.C.C. chapter 21A.30.

1674 SECTION 43. Ordinance 10870, Section 333, as amended, and K.C.C.
1675 21A.08.060 are hereby amended to read as follows:

1676 A. Government/business services land uses.

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

	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	BUSINESS SERVICES:												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier 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	P16
*	Professional Office								P	P	P	P	P16
7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20a	P20b	P21	P20 a	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial			P	P22				P22	P22	P	P	P

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

- 1677 B. Development conditions.
- 1678 1. Except self-service storage.
- 1679 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 1680 Educational Research, see general business service/office.
- 1681 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 1682 subject to K.C.C. chapter 21A.32; or
- 1683 b. only when accessory to a fire facility and the office is no greater than one
- 1684 thousand five hundred square feet of floor area.
- 1685 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 1686 21A.32.
- 1687 5. New utility office locations only if there is no commercial/industrial zoning
- 1688 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 1689 no feasible alternative location is possible, and provided further that this condition
- 1690 applies to the UR zone only if the property is located within a designated unincorporated
- 1691 Rural Town.
- 1692 6.a. All buildings and structures shall maintain a minimum distance of twenty
- 1693 feet from property lines adjoining rural area and residential zones;
- 1694 b. Any buildings from which fire-fighting equipment emerges onto a street
- 1695 shall maintain a distance of thirty-five feet from such street;
- 1696 c. No outdoor storage; and
- 1697 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no

1698 feasible alternative location is possible.

1699 7. Limited to storefront police offices. Such offices shall not have:

1700 a. holding cells;

1701 b. suspect interview rooms (except in the NB zone); or

1702 c. long-term storage of stolen properties.

1703 8. Private stormwater management facilities serving development proposals

1704 located on commercial/industrial zoned lands shall also be located on

1705 commercial/industrial lands, unless participating in an approved shared facility drainage

1706 plan. Such facilities serving development within an area designated urban in the King

1707 County Comprehensive Plan shall only be located in the urban area.

1708 9. No outdoor storage of materials.

1709 10. Limited to office uses.

1710 11. Limited to self-service household moving truck or trailer rental accessory to

1711 a gasoline service station.

1712 12. Limited to self-service household moving truck or trailer rental accessory to

1713 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

1714 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

1715 14. Accessory to an apartment development of at least twelve units provided:

1716 a. The gross floor area in self service storage shall not exceed the total gross

1717 floor area of the apartment dwellings on the site;

1718 b. All outdoor lights shall be deflected, shaded and focused away from all

1719 adjoining property;

1720 c. The use of the facility shall be limited to dead storage of household goods;

1721 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
1722 similar equipment;

1723 e. No outdoor storage or storage of flammable liquids, highly combustible or
1724 explosive materials or hazardous chemicals;

1725 f. No residential occupancy of the storage units;

1726 g. No business activity other than the rental of storage units; and

1727 h. A resident director shall be required on the site and shall be responsible for
1728 maintaining the operation of the facility in conformance with the conditions of approval.

1729 i. Before filing an application with the department, the applicant shall hold a
1730 community meeting in accordance with K.C.C. 20.20.035.

1731 15. Repealed.

1732 16. Only as an accessory use to another permitted use.

1733 17. No outdoor storage.

1734 18. Only as an accessory use to a public agency or utility yard, or to a transfer
1735 station.

1736 19. Limited to new commuter parking lots designed for thirty or fewer parking
1737 spaces or commuter parking lots located on existing parking lots for churches, schools, or
1738 other permitted nonresidential uses that have excess capacity available during
1739 commuting; provided that the new or existing lot is adjacent to a designated arterial that
1740 has been improved to a standard acceptable to the department of local services;

1741 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,
1742 and

1743 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall

1744 be:

1745 (1) permitted only on parcels located within Vashon Town Center;

1746 (2) accessory to a gas or automotive service use; and

1747 (3) limited to no more than ten vehicles.

1748 21. No dismantling or salvage of damaged, abandoned or otherwise impounded

1749 vehicles.

1750 22. Storage limited to accessory storage of commodities sold at retail on the

1751 premises or materials used in the fabrication of commodities sold on the premises.

1752 23. Limited to emergency medical evacuation sites in conjunction with police,

1753 fire or health service facility. Helistops are prohibited from the UR zone only if the

1754 property is located within a designated unincorporated Rural Town.

1755 24. Allowed as accessory to an allowed use.

1756 25. Limited to private road ambulance services with no outside storage of

1757 vehicles.

1758 26. Limited to two acres or less.

1759 27a. Utility yards only on sites with utility district offices; or

1760 b. Public agency yards are limited to material storage for road maintenance

1761 facilities.

1762 28. Limited to ~~((bulk))~~ local distribution gas storage tanks that pipe to individual

1763 residences but excluding liquefied natural gas storage tanks.

1764 29. Excluding ~~((bulk))~~ local distribution gas storage tanks.

1765 30. For I-zoned sites located outside the urban growth area designated by the

1766 King County Comprehensive Plan, uses shall be subject to the provisions for rural

1767 industrial uses in K.C.C. chapter 21A.12.

1768 31. Vactor waste treatment, storage and disposal shall be limited to liquid
1769 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
1770 in tanks (or other covered structures), as well as enclosed buildings.

1771 32. Provided:

1772 a. Off-street required parking for a land use located in the urban area must be
1773 located in the urban area;

1774 b. Off-street required parking for a land use located in the rural area must be
1775 located in the rural area; and

1776 c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street
1777 required parking must be located on a lot that would permit, either outright or through a
1778 land use permit approval process, the land use the off-street parking will serve.

1779 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
1780 be located on a site in the NB zone, off-street required parking may be located on a site
1781 within three hundred feet of the social service agency, regardless of zoning classification
1782 of the site on which the parking is located.

1783 33. Subject to review and approval of conditions to comply with trail corridor
1784 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1785 34. Limited to landscape and horticultural services (SIC 078) that are accessory
1786 to a retail nursery, garden center and farm supply store. Construction equipment for the
1787 accessory use shall not be stored on the premises.

1788 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
1789 use.

1790 36. Repealed.

1791 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth

1792 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such

1793 use shall not exceed ten thousand square feet.

1794 38. If the farm product warehousing, refrigeration and storage, or log storage, is

1795 associated with agriculture activities it will be reviewed in accordance with K.C.C.

1796 21A.08.090.

1797 39. Excluding fossil fuel facilities.

1798 SECTION 44. Ordinance 10870, Section 334, as amended, and K.C.C.

1799 21A.08.070 are hereby amended to read as follows:

1800 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	P3 and 4	P4		P3 and 4						P		

	Sales												
*	Department and Variety Stores						C14a	P14	P5	P	P		
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
((*)	Remote Tasting Room				P13					P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	Marijuana retailer									P26 C27	P26 C27		

592	Liquor Stores	((P13))			((P13))	((P13))			((P13))	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	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

1801 B. Development conditions.

1802 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
1803 thousand square feet, unless located in a building designated as historic resource under
1804 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
1805 thousand five hundred square feet may be allowed. Greenhouses used for the display of
1806 merchandise other than plants shall be considered part of the covered sales area.
1807 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
1808 considered part of the covered sales area;

1809 b. The site area shall be at least four and one-half acres;

1810 c. Sales may include locally made arts and crafts; and

1811 d. Outside lighting is permitted if no off-site glare is allowed.

1812 2. Only hardware stores.

1813 3.a. Limited to products grown on site.

1814 b. Covered sales areas shall not exceed a total area of five hundred square feet.

1815 4. No permanent structures or signs.

1816 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
1817 maximum of two thousand square feet of gross floor area.

1818 6. Limited to a maximum of five thousand square feet of gross floor area.

1819 7. (~~Off-street parking is limited to a maximum of one space per fifty square feet~~
1820 ~~of tasting and retail areas~~)) Repealed.

1821 8. Excluding retail sale of trucks exceeding one-ton capacity.

1822 9. Only the sale of new or reconditioned automobile supplies is permitted.

1823 10. Excluding SIC Industry No. 5813-Drinking Places.

1824 11. No outside storage of fuel trucks and equipment.

1825 12. Excluding vehicle and livestock auctions.

1826 13. (~~Permitted as part of the demonstration project authorized by K.C.C.~~
1827 ~~21A.55.110~~)) Repealed.

1828 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
1829 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
1830 21A.12.230; and

1831 b. Before filing an application with the department, the applicant shall hold a
1832 community meeting in accordance with K.C.C. 20.20.035.

1833 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
1834 feet of gross floor area and subject to K.C.C. 21A.12.230; and

1835 b. Before filing an application with the department, the applicant shall hold a
1836 community meeting in accordance with K.C.C. 20.20.035.

1837 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
1838 Places, and limited to a maximum of five thousand square feet of gross floor area and
1839 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

1840 b. Before filing an application with the department, the applicant shall hold a
1841 community meeting in accordance with K.C.C. 20.20.035.

1842 17. Repealed.

1843 18. Repealed.

1844 19. Only as:

1845 a. an accessory use to a permitted manufacturing or retail land use, limited to

1846 espresso stands to include sales of beverages and incidental food items, and not to include

1847 drive-through sales; or

1848 b. an accessory use to a recreation or multiuse park, limited to a total floor area

1849 of three thousand five hundred square feet.

1850 20. Only as:

1851 a. an accessory use to a recreation or multiuse park; or

1852 b. an accessory use to a park and limited to a total floor area of one thousand

1853 five hundred square feet.

1854 21. Accessory to a park, limited to a total floor area of seven hundred fifty

1855 square feet.

1856 22. Only as an accessory use to:

1857 a. a large active recreation and multiuse park in the urban growth area; or

1858 b. a park, or a recreation or multiuse park in the RA zones, and limited to a

1859 total floor area of seven hundred and fifty square feet.

1860 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC

1861 Industry No. 2431-Millwork and;

1862 a. limited to lumber milled on site; and

1863 b. the covered sales area is limited to two thousand square feet. The covered

1864 sales area does not include covered areas used to display only milled lumber.

1865 24. Requires at least five farmers selling their own products at each market and
1866 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
1867 vendors.

1868 25. Limited to sites located within the urban growth area and:

1869 a. The sales area shall be limited to three hundred square feet and must be
1870 removed each evening;

1871 b. There must be legal parking that is easily available for customers; and

1872 c. The site must be in an area that is easily accessible to the public, will
1873 accommodate multiple shoppers at one time and does not infringe on neighboring
1874 properties.

1875 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet
1876 of gross floor area devoted to, and in support of, the retail sale of marijuana.

1877 b. Notwithstanding subsection B.26.a. of this section, the maximum
1878 aggregated total gross floor area devoted to, and in support of, the retail sale of marijuana
1879 may be increased to up to three thousand square feet if the retail outlet devotes at least
1880 five hundred square feet to the sale, and the support of the sale, of medical marijuana, and
1881 the operator maintains a current medical marijuana endorsement issued by the
1882 Washington state Liquor and Cannabis Board.

1883 c. Any lot line of a lot having any area devoted to retail marijuana activity
1884 must be one thousand feet or more from any lot line of any other lot having any area
1885 devoted to retail marijuana activity; and a lot line of a lot having any area devoted to new
1886 retail marijuana activity may not be within one thousand feet of any lot line of any lot
1887 having any area devoted to existing retail marijuana activity.

1888 d. Whether a new retail marijuana activity complies with this locational
1889 requirement shall be determined based on the date a conditional use permit application
1890 submitted to the department of local services, permitting division, became or was deemed
1891 complete, and:

1892 (1) if a complete conditional use permit application for the proposed retail
1893 marijuana use was not submitted, or if more than one conditional use permit application
1894 became or was deemed complete on the same date, then the director shall determine
1895 compliance based on the date the Washington state Liquor and Cannabis Board issues a
1896 Notice of Marijuana Application to King County;

1897 (2) if the Washington state Liquor and Cannabis Board issues more than one
1898 Notice of Marijuana Application on the same date, then the director shall determine
1899 compliance based on the date either any complete building permit or change of use
1900 permit application, or both, were submitted to the department declaring retail marijuana
1901 activity as an intended use;

1902 (3) if more than one building permit or change of use permit application was
1903 submitted on the same date, or if no building permit or change of use permit application
1904 was submitted, then the director shall determine compliance based on the date a complete
1905 business license application was submitted; and

1906 (4) if a business license application was not submitted or more than one
1907 business license application was submitted, then the director shall determine compliance
1908 based on the totality of the circumstances, including, but not limited to, the date that a
1909 retail marijuana license application was submitted to the Washington state Liquor and
1910 Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease

or purchased the lot at issue for the purpose of retail marijuana use and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location.

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

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

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

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

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

1934 b. Whether a new retail marijuana activity complies with this locational
1935 requirement shall be determined based on the date a conditional use permit application
1936 submitted to the department of local services, permitting division, became or was deemed
1937 complete, and:

1938 (1) if a complete conditional use permit application for the proposed retail
1939 marijuana use was not submitted, or if more than one conditional use permit application
1940 became or was deemed complete on the same date, then the director shall determine
1941 compliance based on the date the Washington state Liquor and Cannabis Board issues a
1942 Notice of Marijuana Application to King County;

1943 (2) if the Washington state Liquor and Cannabis Board issues more than one
1944 Notice of Marijuana Application on the same date, then the director shall determine
1945 compliance based on the date either any complete building permit or change of use permit
1946 application, or both, were submitted to the department declaring retail marijuana activity as
1947 an intended use;

1948 (3) if more than one building permit or change of use permit application was
1949 submitted on the same date, or if no building permit or change of use permit application
1950 was submitted, then the director shall determine compliance based on the date a complete
1951 business license application was submitted; and

1952 (4) if a business license application was not submitted or more than one
1953 business license application was submitted, then the director shall determine compliance
1954 based on the totality of the circumstances, including, but not limited to, the date that a retail
1955 marijuana license application was submitted to the Washington state Liquor and Cannabis
1956 Board identifying the lot at issue, the date that the applicant entered into a lease or

1957 purchased the lot at issue for the purpose of retail marijuana use, and any other facts
1958 illustrating the timing of substantial investment in establishing a licensed retail marijuana
1959 use at the proposed location; and

1960 c. Retail marijuana businesses licensed by the Washington state Liquor and
1961 Cannabis Board and operating within one thousand feet of each other as of August 14,
1962 2016, and retail marijuana businesses that do not require a permit issued by King County,
1963 that received a Washington state Liquor and Cannabis Board license to operate in a
1964 location within one thousand feet of another licensed retail marijuana business prior to
1965 August 14, 2016, and that King County did not object to within the Washington state
1966 Liquor and Cannabis Board marijuana license application process, shall be considered
1967 nonconforming and may remain in their current location, subject to the provisions of
1968 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

1969 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months;
1970 and

1971 (2) the gross floor area of a nonconforming retail outlet may be increased up to
1972 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

1973 28. If the agricultural product sales or livestock sales is associated with
1974 agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

1975 SECTION 45. Ordinance 10870, Section 335, as amended, and K.C.C.
1976 21A.08.080 are hereby amended to read as follows:

1977 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
((20)	Winery/Brewery /Distillery Facility I				P32								
20	Winery/Brewery /Distillery Facility II	P3			P3 C30				P17	P17	P29		P31
20	Winery/Brewery /Distillery Facility III	C12			C12				C29	C29	C29		C31))
*	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

1978 B. Development conditions.

1979 1. Repealed.

1980 2. Except slaughterhouses.

1981 3. ~~((a. In the A zone, only allowed on sites where the primary use is SIC Industry~~
1982 Group No. 01 Growing and Harvesting Crops or No. 02 Raising Livestock and Small
1983 Animals;
1984 b. ~~Only allowed on lots of at least two and one half acres, except that this~~
1985 requirement shall not apply on Vashon Maury Island to winery, brewery or distillery
1986 business locations in use and licensed to produce by the Washington state Liquor and
1987 Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a
1988 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots
1989 of at least two acres;
1990 c. ~~The aggregated floor area of structures and areas for winery, brewery,~~
1991 distillery facility uses shall not exceed three thousand five hundred square feet, unless
1992 located in whole or in part in a structure designated as historic resource under K.C.C.
1993 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
1994 winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the
1995 RA zone and five thousand square feet in the A zone. Decks that are not occupied and
1996 not open to the public are excluded from the calculation for maximum aggregated floor
1997 area;
1998 d. ~~Structures and parking areas for winery, brewery, distillery facility uses~~
1999 shall maintain a minimum distance of seventy five feet from interior property lines
2000 adjoining rural area and residential zones, unless located in a building designated as
2001 historic resource under K.C.C. chapter 20.62, except that on Vashon Maury Island this
2002 setback requirement shall not apply to structures and parking areas in use on December 4,

2003 ~~2019, by existing winery, brewery or distillery business locations licensed to produce by~~
2004 ~~the Washington state Liquor and Cannabis Board before January 1, 2019;~~

2005 ~~e. In the A zone, sixty percent or more of the products processed must be~~
2006 ~~grown on site. At the time of the initial application under K.C.C. chapter 6.74, the~~
2007 ~~applicant shall submit a projection of the source of products to be produced;~~

2008 ~~f. At least two stages of production of wine, beer, cider or distilled spirits, such~~
2009 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
2010 ~~Washington state Liquor and Cannabis Board production license, shall occur on site. At~~
2011 ~~least one of the stages of production occurring on site shall include crushing, fermenting~~
2012 ~~or distilling;~~

2013 ~~g. In the A zone, structures and area for non-agricultural winery, brewery,~~
2014 ~~distillery facility uses shall be located on portions of agricultural lands that are unsuitable~~
2015 ~~for agricultural purposes, such as areas within the already developed portion of such~~
2016 ~~agricultural lands that are not available for direct agricultural production, or areas without~~
2017 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~
2018 ~~a nonagricultural accessory use;~~

2019 ~~h. Tasting and retail sales of products produced on site may occur only as~~
2020 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
2021 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~
2022 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
2023 ~~in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation~~
2024 ~~on tasting and retail sales of products produced on site shall not apply on Vashon Maury~~
2025 ~~Island to winery, brewery, or distillery business locations in use and licensed to produce~~

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

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

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

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

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

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

2048 4. Limited to rough milling and planing of products grown on-site with portable
2049 equipment.

2050 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
2051 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
2052 minimum site area is four and one-half acres.

2053 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
2054 No. 2431-Millwork, (excluding planing mills).

2055 7. Limited to photocopying and printing services offered to the general public.

2056 8. Only within enclosed buildings, and as an accessory use to retail sales.

2057 9. Only within enclosed buildings.

2058 10. Limited to boat building of craft not exceeding forty-eight feet in length.

2059 11. For I-zoned sites located outside the urban growth area designated by the
2060 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
2061 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
2062 rural industrial uses as set forth in K.C.C. chapter 21A.12.

2063 ~~12.((a. In the A zone, only allowed on sites where the primary use is SIC~~
2064 ~~Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and~~
2065 ~~Small Animals;~~

2066 ~~b. The aggregated floor area of structures and areas for winery, brewery,~~
2067 ~~distillery facility uses shall not exceed a total of eight thousand square feet. Decks that~~
2068 ~~are not occupied and not open to the public are excluded from the calculation for~~
2069 ~~maximum aggregated floor area;~~

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

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

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

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

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

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

2093 ~~agricultural lands that are not available for direct agricultural production, or areas without~~
2094 ~~prime agricultural soils. No more than one acre of agricultural land may be converted to~~
2095 ~~a nonagricultural accessory use;~~

2096 ~~i. Tasting and retail sales of products produced on site may occur only as~~
2097 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
2098 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~
2099 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
2100 ~~in the aggregated floor area limitation in subsection B.12.b. and c. of this section.~~

2101 ~~Incidental retail sales of merchandise related to the products produced on site is allowed~~
2102 ~~subject to the restrictions described in this subsection. Hours of operation for on-site~~
2103 ~~tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and~~
2104 ~~Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and~~
2105 ~~Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.~~
2106 ~~through 9:00 p.m.;~~

2107 ~~j. Access to the site shall be directly to and from an arterial roadway;~~

2108 ~~k. Off street parking maximums shall be determined through the conditional~~
2109 ~~use permit process, and should not be more than one hundred fifty percent of the~~
2110 ~~minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~

2111 ~~l. The business operator shall obtain an adult beverage business license in~~
2112 ~~accordance with K.C.C. chapter 6.74;~~

2113 ~~m. Events may be allowed with an approved temporary use permit under~~
2114 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~
2115 ~~and~~

2116 n. ~~The impervious surface associated with the winery, brewery, distillery~~
2117 ~~facility use shall not exceed twenty five percent of the site, or the maximum impervious~~
2118 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
2119 ~~whichever is less)) Repealed.~~

2120 13. Only on the same lot or same group of lots under common ownership or
2121 documented legal control, which includes, but is not limited to, fee simple ownership, a
2122 long-term lease or an easement:

2123 a. as accessory to a primary forestry use and at a scale appropriate to process
2124 the organic waste generated on the site; or

2125 b. as a continuation of a sawmill or lumber manufacturing use only for that
2126 period to complete delivery of products or projects under contract at the end of the
2127 sawmill or lumber manufacturing activity.

2128 14. Only on the same lot or same group of lots under common ownership or
2129 documented legal control, which includes, but is not limited to, fee simple ownership, a
2130 long-term lease or an easement:

2131 a. as accessory to a primary mineral use; or

2132 b. as a continuation of a mineral processing use only for that period to
2133 complete delivery of products or projects under contract at the end of mineral extraction.

2134 15. Continuation of a materials processing facility after reclamation in
2135 accordance with an approved reclamation plan.

2136 16. Only a site that is ten acres or greater and that does not use local access
2137 streets that abut lots developed for residential use.

2138 17. ~~((a. The aggregated floor area of structures and areas for winery, brewery,~~
2139 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~
2140 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~
2141 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~
2142 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~
2143 ~~that are not occupied and not open to the public are excluded from the calculation for~~
2144 ~~maximum aggregated floor area;~~

2145 ~~b. Structures and parking areas for winery, brewery, distillery facility uses~~
2146 ~~shall maintain a minimum distance of seventy five feet from interior property lines~~
2147 ~~adjoining rural area and residential zones, unless located in a building designated as~~
2148 ~~historic resource under K.C.C. chapter 20.62;~~

2149 ~~c. Tasting and retail sale of products produced on-site, and merchandise related~~
2150 ~~to the products produced on-site, may be provided in accordance with state law. The area~~
2151 ~~devoted to on-site tasting or retail sales shall be included in the aggregated floor area~~
2152 ~~limitation in subsection B.17.a. of this section;~~

2153 ~~d. Off street parking for the tasting and retail areas shall be limited to a~~
2154 ~~maximum of one space per fifty square feet of tasting and retail areas;~~

2155 ~~e. The business operator shall obtain an adult beverage business license in~~
2156 ~~accordance with K.C.C. chapter 6.74; and~~

2157 ~~f. Events may be allowed with an approved temporary use permit under K.C.C.~~
2158 ~~chapter 21A.32)) Repealed.~~

2159 18. Limited to:

2160 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
2161 Millwork, as follows:

2162 (1) If using lumber or timber grown off-site, the minimum site area is four
2163 and one-half acres;

2164 (2) The facility shall be limited to an annual production of no more than one
2165 hundred fifty thousand board feet;

2166 (3) Structures housing equipment used in the operation shall be located at
2167 least one-hundred feet from adjacent properties with residential or rural area zoning;

2168 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
2169 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

2170 (5) In the RA zone, the facility's driveway shall have adequate entering sight
2171 distance required by the 2007 King County Road Design and Construction Standards. An
2172 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
2173 the roadway that the driveway accesses; and

2174 (6) Outside lighting is limited to avoid off-site glare; and

2175 b. SIC Industry No. 2411-Logging.

2176 19. Limited to manufacture of custom made wood furniture or cabinets.

2177 20.a. Only allowed on lots of at least four and one-half acres;

2178 b. Only as an accessory use to a Washington state Liquor Control Board
2179 licensed marijuana production facility on the same lot;

2180 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2181 d. Only with documentation that the operator has applied for a Puget Sound
2182 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2183 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2184 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2185 are imported onto the site; and

2186 e. Accessory marijuana processing uses allowed under this section are subject
2187 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2188 21.a. Only in the CB and RB zones located outside the urban growth area;

2189 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2190 c. Only with documentation that the operator has applied for a Puget Sound
2191 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2192 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2193 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2194 are imported onto the site;

2195 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2196 support of, processing marijuana together with any separately authorized production of
2197 marijuana shall be limited to a maximum of two thousand square feet; and

2198 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2199 every marijuana-related entity occupying space in addition to the two-thousand-square-
2200 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2201 subsection B.22. of this section.

2202 22.a. Only in the CB and RB zones located outside the urban growth area;

2203 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
2204 support of, processing marijuana together with any separately authorized production of
2205 marijuana shall be limited to a maximum of thirty thousand square feet;

2206 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
2207 d. Only with documentation that the operator has applied for a Puget Sound
2208 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2209 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2210 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2211 are imported onto the site.

2212 23.a. Only in the CB and RB zones located inside the urban growth area;

2213 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2214 c. Only with documentation that the operator has applied for a Puget Sound
2215 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2216 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2217 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2218 are imported onto the site;

2219 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2220 support of, processing marijuana together with any separately authorized production of
2221 marijuana shall be limited to a maximum of two thousand square feet; and

2222 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2223 every marijuana-related entity occupying space in addition to the two-thousand-square-
2224 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2225 subsection B.24. of this section.

2226 24.a. Only in the CB and RB zones located inside the urban growth area;

2227 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2228 c. Only with documentation that the operator has applied for a Puget Sound
2229 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2230 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2231 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2232 are imported onto the site; and

2233 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2234 support of, processing marijuana together with any separately authorized production of
2235 marijuana shall be limited to a maximum of thirty thousand square feet.

2236 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2237 b. Only with documentation that the operator has applied for a Puget Sound
2238 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2239 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2240 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2241 are imported onto the site; and

2242 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
2243 gross floor area devoted to, and in support of, the processing of marijuana together with
2244 any separately authorized production of marijuana.

2245 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2246 b. Only with documentation that the operator has applied for a Puget Sound
2247 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2248 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2249 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2250 are imported onto the site; and

2251 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
2252 gross floor area devoted to, and in support of, the processing of marijuana together with
2253 any separately authorized production of marijuana.

2254 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
2255 Island, that do not require a conditional use permit issued by King County, that receive a
2256 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
2257 and that King County did not object to within the Washington state Liquor and Cannabis
2258 Board marijuana license application process, shall be considered nonconforming as to
2259 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
2260 21A.32.075 for nonconforming uses;

2261 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

2262 c. Only with documentation that the operator has applied for a Puget Sound
2263 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2264 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2265 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2266 are imported onto the site;

2267 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
2268 Island;

2269 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
2270 except on Vashon-Maury Island;

2271 f. Only as an accessory use to a Washington state Liquor Cannabis Board
2272 licensed marijuana production facility on the same lot; and

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

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

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

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

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

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

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

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

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

2296 ~~distillery facility uses shall not exceed three thousand five hundred square feet, unless~~
2297 ~~located in whole or in part in a structure designated as historic resource under K.C.C.~~
2298 ~~chapter 20.62, in which case the aggregated floor area of structures and areas devoted to~~
2299 ~~winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks~~
2300 ~~that are not occupied and not open to the public are excluded from the calculation for~~
2301 ~~maximum aggregated floor area;~~

2302 ~~c. Structures and parking areas for winery, brewery, distillery facility uses~~
2303 ~~shall maintain a minimum distance of seventy-five feet from interior property lines~~
2304 ~~adjoining rural area and residential zones, unless located in a building designated as~~
2305 ~~historic resource under K.C.C. chapter 20.62;~~

2306 ~~d. Tasting and retail sales of products produced on-site may only occur as~~
2307 ~~accessory to the primary winery, brewery, distillery production use and may be provided~~
2308 ~~in accordance with state law. The area devoted to on-site tasting or retail sales shall be~~
2309 ~~limited to no more than thirty percent of the aggregated floor area and shall be included~~
2310 ~~in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental~~
2311 ~~retail sales of merchandise related to the products produced on-site is allowed subject to~~
2312 ~~the restrictions described in this subsection. Hours of operation for on-site tasting of~~
2313 ~~products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,~~
2314 ~~tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,~~
2315 ~~Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00~~
2316 ~~p.m.;~~

2317 ~~e. Access to the site shall be directly to and from a public roadway;~~

2318 ~~f. Off-street parking is limited to a maximum of one hundred fifty percent of~~

2319 ~~the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;~~
2320 ~~g. The business operator shall obtain an adult beverage business license in~~
2321 ~~accordance with K.C.C. chapter 6.74;~~
2322 ~~h. Events may be allowed with an approved temporary use permit under~~
2323 ~~K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;~~
2324 ~~i. At least two stages of production of wine, beer, cider or distilled spirits, such~~
2325 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
2326 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~
2327 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~
2328 ~~or distilling; and~~
2329 ~~j. The impervious surface associated with the winery, brewery, distillery~~
2330 ~~facility use shall not exceed twenty five percent of the site, or the maximum impervious~~
2331 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
2332 ~~whichever is less.~~
2333 ~~31.a. Limited to businesses with non-retail brewery and distillery production~~
2334 ~~licenses from the Washington state Liquor and Cannabis board. Wineries and remote~~
2335 ~~tasting rooms for wineries shall not be allowed;~~
2336 ~~b. Tasting and retail sale of products produced on-site and merchandise related~~
2337 ~~to the products produced on-site may be provided in accordance with state law. The area~~
2338 ~~devoted to on-site tasting or retail sales shall not exceed one thousand five hundred~~
2339 ~~square feet;~~
2340 ~~c. Structures and parking areas for brewery and distillery facility uses shall~~
2341 ~~maintain a minimum distance of seventy five feet from interior property lines adjoining~~

~~rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62;~~

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

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

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

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

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

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

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

2365 e. ~~At least two stages of production of wine, beer, cider or distilled spirits, such~~
 2366 ~~as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the~~
 2367 ~~Washington state Liquor and Cannabis Board production license, shall occur on-site. At~~
 2368 ~~least one of the stages of production occurring on-site shall include crushing, fermenting~~
 2369 ~~or distilling;~~

2370 f. ~~No product tasting or retail sales shall be allowed on-site;~~

2371 g. ~~Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and~~

2372 h. ~~The impervious surface associated with the winery, brewery, distillery~~
 2373 ~~facility use shall not exceed twenty-five percent of the site or the maximum impervious~~
 2374 ~~surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,~~
 2375 ~~whichever is less.))~~

2376 SECTION 46. Ordinance 10870, Section 336, as amended, and K.C.C.
 2377 21A.08.090 are hereby amended to read as follows:

2378 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12- 48	NB	CB	RB	O	I
<u>12</u>	<u>Coal Mining</u>												
<u>13</u>	<u>Oil and Gas Extraction</u>												
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P

*	Agricultural Activities	P24 C	P2 4C		P24 C	P24 C							
*	Agricultural Support Services	P25 C	P2 5C		P26 C	P26 C	P2 6C		P27 C2 8	P27 C28			
*	Marijuana producer	P15 C2 2			P16 C17					P18 C19	P18 C19		P20 C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,((12,)) 14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY												

	USES:												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

2379 B. Development conditions.

2380 1. May be further subject to K.C.C. chapter 21A.25.

2381 2. Only forest research conducted within an enclosed building.

2382 3. Farm residences in accordance with K.C.C. 21A.08.030.

2383 4. Excluding housing for agricultural workers.

2384 5. Limited to either maintenance or storage facilities, or both, in conjunction

2385 with mineral extraction or processing operation.

2386 6. Allowed in accordance with K.C.C. chapter 21A.30.

2387 7. Only in conjunction with a mineral extraction site plan approved in

2388 accordance with K.C.C. chapter 21A.22.

2389 8. Only on the same lot or same group of lots under common ownership or

2390 documented legal control, which includes, but is not limited to, fee simple ownership, a

2391 long-term lease or an easement:

2392 a. as accessory to a primary mineral extraction use;

2393 b. as a continuation of a mineral processing only for that period to complete

2394 delivery of products or projects under contract at the end of a mineral extraction; or

2395 c. for a public works project under a temporary grading permit issued in

2396 accordance with K.C.C. 16.82.152.

2397 9. Limited to mineral extraction and processing:

2398 a. on a lot or group of lots under common ownership or documented legal

2399 control, which includes but is not limited to, fee simple ownership, a long-term lease or

2400 an easement;

2401 b. that are located greater than one-quarter mile from an established residence;

2402 and

2403 c. that do not use local access streets that abut lots developed for residential

2404 use.

2405 10. Agriculture training facilities are allowed only as an accessory to existing

2406 agricultural uses and are subject to the following conditions:

2407 a. The impervious surface associated with the agriculture training facilities

2408 shall comprise not more than ten percent of the allowable impervious surface permitted

2409 under K.C.C. 21A.12.040;

2410 b. New or the expansion of existing structures, or other site improvements,

2411 shall not be located on class 1, 2 or 3 soils;

2412 c. The director may require reuse of surplus structures to the maximum extent

2413 practical;

2414 d. The director may require the clustering of new structures with existing

2415 structures;

2416 e. New structures or other site improvements shall be set back a minimum

2417 distance of seventy-five feet from property lines adjoining rural area and residential

2418 zones;

2419 f. Bulk and design of structures shall be compatible with the architectural style

2420 of the surrounding agricultural community;

2421 g. New sewers shall not be extended to the site;

2422 h. Traffic generated shall not impede the safe and efficient movement of

2423 agricultural vehicles, nor shall it require capacity improvements to rural roads;

2424 i. Agriculture training facilities may be used to provide educational services to

2425 the surrounding rural/agricultural community or for community events. Property owners

2426 may be required to obtain a temporary use permit for community events in accordance

2427 with K.C.C. chapter 21A.32;

2428 j. Use of lodging and food service facilities shall be limited only to activities

2429 conducted in conjunction with training and education programs or community events

2430 held on site;

2431 k. Incidental uses, such as office and storage, shall be limited to those that

2432 directly support education and training activities or farm operations; and

2433 l. The King County agriculture commission shall be notified of and have an

2434 opportunity to comment upon all proposed agriculture training facilities during the permit

2435 process in accordance with K.C.C. chapter 21A.40.

2436 11. Continuation of mineral processing and asphalt/concrete mixtures and block

2437 uses after reclamation in accordance with an approved reclamation plan.

2438 12.a. Activities at the camp shall be limited to agriculture and agriculture-

2439 oriented activities. In addition, activities that place minimal stress on the site's

2440 agricultural resources or activities that are compatible with agriculture are permitted.

2441 (1) passive recreation;

2442 (2) training of individuals who will work at the camp;

2443 (3) special events for families of the campers; and

2444 (4) agriculture education for youth.

2445 b. Outside the camp center, as provided for in subsection B.12.e. of this

section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

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

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

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

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

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

2469 g. To the extent practicable, existing structures shall be reused. The applicant
2470 shall demonstrate to the director that a new structure for nonagricultural camp activities
2471 cannot be practicably accommodated within an existing structure on the site, though
2472 cabins for campers shall be permitted only if they do not already exist on site;

2473 h. Camp facilities may be used to provide agricultural educational services to
2474 the surrounding rural and agricultural community or for community events. If required
2475 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
2476 community events;

2477 i. Lodging and food service facilities shall only be used for activities related to
2478 the camp or for agricultural education programs or community events held on site;

2479 j. Incidental uses, such as office and storage, shall be limited to those that
2480 directly support camp activities, farm operations or agricultural education programs;

2481 k. New nonagricultural camp structures and site improvements shall maintain a
2482 minimum set-back of seventy-five feet from property lines adjoining rural area and
2483 residential zones;

2484 l. Except for legal nonconforming structures existing as of January 1, 2007,
2485 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
2486 a scale to serve overnight camp users;

2487 m. Landscaping equivalent to a type III landscaping screen, as provided for in
2488 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
2489 and site improvements located within two hundred feet of an adjacent rural area and
2490 residential zoned property not associated with the camp;

2491 n. New sewers shall not be extended to the site;

2492 o. The total number of persons staying overnight shall not exceed three
2493 hundred;

2494 p. The length of stay for any individual overnight camper, not including camp
2495 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

2496 q. Traffic generated by camp activities shall not impede the safe and efficient
2497 movement of agricultural vehicles nor shall it require capacity improvements to rural
2498 roads;

2499 r. If the site is adjacent to an arterial roadway, access to the site shall be
2500 directly onto the arterial unless the county road engineer determines that direct access is
2501 unsafe;

2502 s. If direct access to the site is via local access streets, transportation
2503 management measures shall be used to minimize adverse traffic impacts;

2504 t. Camp recreational activities shall not involve the use of motor vehicles
2505 unless the motor vehicles are part of an agricultural activity or are being used for the
2506 transportation of campers, camp personnel or the families of campers. Camp personnel
2507 may use motor vehicles for the operation and maintenance of the facility. Client-specific
2508 motorized personal mobility devices are allowed; and

2509 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
2510 light away from any adjacent property.

2511 13. Limited to digester receiving plant and animal and other organic waste from
2512 agricultural activities, and including electrical generation, as follows:

2513 a. the digester must be included as part of a Washington state Department of
2514 Agriculture approved dairy nutrient plan;

2515 b. the digester must process at least seventy percent livestock manure or other
2516 agricultural organic material from farms in the vicinity, by volume;

2517 c. imported organic waste-derived material, such as food processing waste,
2518 may be processed in the digester for the purpose of increasing methane gas production for
2519 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
2520 and

2521 d. the use must be accessory to an operating dairy or livestock operation.

2522 14. Farm worker housing. Either:

2523 a. Temporary farm worker housing subject to the following conditions:

2524 (1) The housing must be licensed by the Washington state Department of
2525 Health under chapter 70.114A RCW and chapter 246-358 WAC;

2526 (2) Water supply and sewage disposal systems must be approved by the
2527 Seattle King County department of health;

2528 (3) To the maximum extent practical, the housing should be located on
2529 nonfarmable areas that are already disturbed and should not be located in the floodplain
2530 or in a critical area or critical area buffer; and

2531 (4) The property owner shall file with the department of executive services,
2532 records and licensing services division, a notice approved by the department identifying
2533 the housing as temporary farm worker housing and that the housing shall be occupied
2534 only by agricultural employees and their families while employed by the owner or
2535 operator or on a nearby farm. The notice shall run with the land; or

2536 b. Housing for agricultural employees who are employed by the owner or
2537 operator of the farm year-round as follows:

2538 (1) Not more than:

2539 (a) one agricultural employee dwelling unit on a site less than twenty acres;

2540 (b) two agricultural employee dwelling units on a site of at least twenty

2541 acres and less than fifty acres;

2542 (c) three agricultural employee dwelling units on a site of at least fifty acres

2543 and less than one-hundred acres; and

2544 (d) four agricultural employee dwelling units on a site of at least one-

2545 hundred acres, and one additional agricultural employee dwelling unit for each additional

2546 one hundred acres thereafter;

2547 (2) If the primary use of the site changes to a nonagricultural use, all

2548 agricultural employee dwelling units shall be removed;

2549 (3) The applicant shall file with the department of executive services, records

2550 and licensing services division, a notice approved by the department that identifies the

2551 agricultural employee dwelling units as accessory and that the dwelling units shall only

2552 be occupied by agricultural employees who are employed by the owner or operator year-

2553 round. The notice shall run with the land. The applicant shall submit to the department

2554 proof that the notice was filed with the department of executive services, records and

2555 licensing services division, before the department approves any permit for the

2556 construction of agricultural employee dwelling units;

2557 (4) An agricultural employee dwelling unit shall not exceed a floor area of

2558 one thousand square feet and may be occupied by no more than eight unrelated

2559 agricultural employees;

2560 (5) To the maximum extent practical, the housing should be located on

2561 nonfarmable areas that are already disturbed;

2562 (6) One off-street parking space shall be provided for each agricultural
2563 employee dwelling unit; and

2564 (7) The agricultural employee dwelling units shall be constructed in
2565 compliance with K.C.C. Title 16.

2566 15. Marijuana production by marijuana producers licensed by the Washington
2567 state Liquor and Cannabis Board is subject to the following standards:

2568 a. Only allowed on lots of at least four and one-half acres;

2569 b. With a lighting plan, only if required by and that complies with K.C.C.
2570 21A.12.220.G.;

2571 c. Only with documentation that the operator has applied for a Puget Sound
2572 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2573 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2574 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2575 are imported onto the site;

2576 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
2577 within structures that are nondwelling unit structures that exist as of October 1, 2013,
2578 subject to the size limitations in subsection B.15.e. of this section;

2579 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2580 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2581 aggregated total of two thousand square feet and shall be located within a fenced area or
2582 marijuana greenhouse that is no more than ten percent larger than that combined area, or
2583 may occur in nondwelling unit structures that exist as of October 1, 2013;

2584 f. Outdoor production area fencing as required by the Washington state Liquor
2585 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
2586 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
2587 feet; and

2588 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
2589 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
2590 marijuana-related entity occupying space in addition to the two-thousand-square-foot
2591 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
2592 B.22. of this section.

2593 16. Marijuana production by marijuana producers licensed by the Washington
2594 state Liquor and Cannabis Board is subject to the following standards:

2595 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
2596 that do not require a conditional use permit issued by King County, that receive a
2597 Washington state Liquor and Cannabis Board license business ~~((prior to))~~ before October
2598 1, 2016, and that King County did not object to within the Washington state Liquor and
2599 Cannabis Board marijuana license application process, shall be considered
2600 nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of
2601 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

2602 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
2603 21A.12.220.G.;

2604 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
2605 Island;

2606 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,

2607 except on Vashon-Maury Island;

2608 e. Only with documentation that the operator has applied for a Puget Sound
2609 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2610 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2611 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2612 are imported onto the site;

2613 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
2614 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
2615 limitations in subsection B.16.g. of this section; and

2616 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2617 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2618 aggregated total of two thousand square feet and shall be located within a fenced area or
2619 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
2620 may occur in nondwelling unit structures that exist as of October 1, 2013;

2621 h. Outdoor production area fencing as required by the Washington state Liquor
2622 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
2623 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
2624 of one hundred fifty feet from any existing residence; and

2625 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
2626 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
2627 entity occupying space in addition to the two-thousand-square-foot threshold area on that
2628 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

2629 17. Marijuana production by marijuana producers licensed by the Washington

2630 state Liquor and Cannabis Board is subject to the following standards:

2631 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury

2632 Island;

2633 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,

2634 except on Vashon-Maury Island;

2635 c. In all rural area zones, only with a lighting plan that complies with K.C.C.

2636 21A.12.220.G.;

2637 d. 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 e. Production is limited to outdoor and indoor within marijuana greenhouses

2643 subject to the size limitations in subsection B.17.f. of this section;

2644 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

2645 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum

2646 aggregated total of thirty thousand square feet and shall be located within a fenced area or

2647 marijuana greenhouse that is no more than ten percent larger than that combined area;

2648 and

2649 g. Outdoor production area fencing as required by the Washington state Liquor

2650 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback

2651 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback

2652 of one hundred fifty feet from any existing residence.

2653 18.a. Production is limited to indoor only;

2654 b. With a lighting plan only as required by and that complies with K.C.C.

2655 21A.12.220.G.;

2656 c. Only with documentation that the operator has applied for a Puget Sound

2657 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2658 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2659 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2660 are imported onto the site; and

2661 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

2662 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

2663 aggregated total of two thousand square feet and shall be located within a building or

2664 tenant space that is no more than ten percent larger than the plant canopy and separately

2665 authorized processing area; and

2666 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and

2667 every marijuana-related entity occupying space in addition to the two-thousand-square

2668 foot threshold area on that parcel shall obtain a conditional use permit as set forth in

2669 subsection B.19. of this section.

2670 19.a. Production is limited to indoor only;

2671 b. With a lighting plan only as required by and that complies with K.C.C.

2672 21A.12.220.G.;

2673 c. Only with documentation that the operator has applied for a Puget Sound

2674 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2675 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2676 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2677 are imported onto the site; and

2678 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2679 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2680 aggregated total of thirty thousand square feet and shall be located within a building or
2681 tenant space that is no more than ten percent larger than the plant canopy and separately
2682 authorized processing area.

2683 20.a. Production is limited to indoor only;

2684 b. With a lighting plan only as required by and that complies with K.C.C.
2685 21A.12.220.G.;

2686 c. Only with documentation that the operator has applied for a Puget Sound
2687 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2688 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2689 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2690 are imported onto the site;

2691 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2692 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2693 aggregated total of two thousand square feet and shall be located within a building or
2694 tenant space that is no more than ten percent larger than the plant canopy and separately
2695 authorized processing area; and

2696 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2697 every marijuana-related entity occupying space in addition to the two-thousand-square-
2698 foot threshold area on that lot shall obtain a conditional use permit as set forth in

2699 subsection B.21. of this section.

2700 21.a. Production is limited to indoor only;

2701 b. With a lighting plan only as required by and that complies with K.C.C.

2702 21A.12.220.G.;

2703 c. 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; and

2708 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

2709 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

2710 aggregated total of thirty thousand square feet and shall be located within a building or

2711 tenant space that is no more than ten percent larger than the plant canopy and separately

2712 authorized processing area.

2713 22. Marijuana production by marijuana producers licensed by the Washington

2714 state Liquor and Cannabis Board is subject to the following standards:

2715 a. With a lighting plan only as required by and that complies with K.C.C.

2716 21A.12.220.G.;

2717 b. Only allowed on lots of at least four and one-half acres;

2718 c. Only with documentation that the operator has applied for a Puget Sound

2719 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2720 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2721 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2722 are imported onto the site;

2723 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
2724 within structures that are nondwelling unit structures that exist as of October 1, 2013,
2725 subject to the size limitations in subsection B.22. e. and f. of this section;

2726 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-
2727 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
2728 limited to a maximum aggregated total of five thousand square feet and shall be located
2729 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
2730 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
2731 2013;

2732 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
2733 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
2734 limited to a maximum aggregated total of ten thousand square feet, and shall be located
2735 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
2736 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
2737 2013; and

2738 g. Outdoor production area fencing as required by the Washington state Liquor
2739 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain
2740 a minimum street setback of fifty feet and a minimum interior setback of one hundred feet,
2741 and a minimum setback of one hundred fifty feet from any existing residence.

2742 23. The storage and processing of non-manufactured source separated organic
2743 waste that originates from agricultural operations and that does not originate from the site,
2744 if:

2745 a. agricultural is the primary use of the site;

2746 b. the storage and processing are in accordance with best management practices

2747 included in an approved farm plan; and

2748 c. except for areas used for manure storage, the areas used for storage and

2749 processing do not exceed three acres and ten percent of the site.

2750 24.a. For activities relating to the processing of crops or livestock for commercial

2751 purposes, including associated activities such as warehousing, storage, including

2752 refrigeration, and other similar activities ~~((and excluding winery, brewery, distillery facility~~

2753 ~~I, II, III and remote tasting room))~~):

2754 (1) limited to agricultural products and sixty percent or more of the products

2755 processed must be grown in the Puget Sound counties. At the time of initial application,

2756 the applicant shall submit a projection of the source of products to be produced;

2757 (2) in the RA and UR zones, only allowed on sites of at least four and one-

2758 half acres;

2759 (3) (a) as a permitted use, the floor area devoted to all processing shall not

2760 exceed two thousand square feet, unless located in a building designated as an historic

2761 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as

2762 established in K.C.C. 21A.42.300, may review and approve an increase in the processing

2763 floor area as follows: up to three thousand five hundred square feet of floor area may be

2764 devoted to all processing in the RA zones or on farms less than thirty-five acres located in

2765 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in

2766 the A zone; and

2767 (b) as a permitted use, the floor area devoted to all warehousing,

2768 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
2769 unless located in a building designated as historic resource under K.C.C. chapter 20.62.

2770 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
2771 review and approve an increase of up to three thousand five hundred square feet of floor
2772 area devoted to all warehouseing, storage, including refrigeration, or other similar
2773 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
2774 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

2775 (4) in the A zone, structures and areas used for processing, warehousing,
2776 refrigeration, storage and other similar activities shall be located on portions of
2777 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
2778 the already developed portion of such agricultural lands that are not available for direct
2779 agricultural production, or areas without prime agricultural soils; and

2780 (5) structures and areas used for processing, warehousing, storage, including
2781 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
2782 five feet from property lines adjoining rural area and residential zones, unless located in a
2783 building designated as historic resource under K.C.C. chapter 20.62.

2784 b. For activities relating to the retail sale of agricultural products, except
2785 livestock:

2786 (1) sales shall be limited to agricultural products and locally made arts and
2787 crafts;

2788 (2) in the RA and UR zones, only allowed on sites at least four and one-
2789 half acres;

2790 (3) as a permitted use, the covered sales area shall not exceed two thousand

2791 square feet, unless located in a building designated as a historic resource under K.C.C.
2792 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
2793 21A.42.300, may review and approve an increase of up to three thousand five hundred
2794 square feet of covered sales area;

2795 (4) forty percent or more of the gross sales of agricultural product sold
2796 through the store must be sold by the producers of primary agricultural products;

2797 (5) sixty percent or more of the gross sales of agricultural products sold
2798 through the store shall be derived from products grown or produced in the Puget Sound
2799 counties. At the time of the initial application, the applicant shall submit a reasonable
2800 projection of the source of product sales;

2801 (6) tasting of products, in accordance with applicable health regulations, is
2802 allowed;

2803 (7) storage areas for agricultural products may be included in a farm store
2804 structure or in any accessory building; and

2805 (8) outside lighting is permitted if there is no off-site glare.

2806 c. Retail sales of livestock is permitted only as accessory to raising
2807 livestock.

2808 d. Farm operations, including quipment repair and related facilities, except
2809 that:

2810 (1) the repair of tools and machinery is limited to those necessary for the
2811 operation of a farm or forest;

2812 (2) in the RA and UR zones, only allowed on sites of at least four and one-
2813 half acres;

2814 (3) the size of the total repair use is limited to one percent of the farm size
2815 in the A zone, and up to one percent of the size in other zones, up to a maximum of five
2816 thousand square feet unless located within an existing farm structure, including but not
2817 limited to barns, existing as of December 31, 2003; and

2818 (4) Equipment repair shall not be permitted in the Forest zone.

2819 e. The agricultural technical review committee, as established in K.C.C.
2820 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
2821 residential zones and minimum setbacks from rural and residential zones.

2822 25. The department may review and approve establishment of agricultural
2823 support services in accordance with the code compliance review process in K.C.C.

2824 21A.42.300 only if:

2825 a. project is sited on lands that are unsuitable for direct agricultural production
2826 based on size, soil conditions or other factors and cannot be returned to productivity by
2827 drainage maintenance; and

2828 b. the proposed use is allowed under any Farmland Preservation Program
2829 conservation easement and zoning development standards.

2830 26. The agricultural technical review committee, as established in K.C.C.
2831 21A.42.300, may review and approve establishment of agricultural support services only
2832 if the project site:

2833 a. adjoins or is within six hundred sixty feet of the agricultural production
2834 district;

2835 b. has direct vehicular access to the agricultural production district;

2836 c. except for farmworker housing, does not use local access streets that abut

2837 lots developed for residential use; and

2838 d. has a minimum lot size of four and one-half acres.

2839 27. The agricultural technical review committee, as established in K.C.C.

2840 21A.42.300, may review and approve establishment of agricultural support services only

2841 if the project site:

2842 a. is outside the urban growth area,

2843 b. adjoins or is within six hundred sixty feet of the agricultural production

2844 district,

2845 c. has direct vehicular access to the agricultural production district,

2846 d. except for farmworker housing, does not use local access streets that abut

2847 lots developed for residential use; and

2848 e. has a minimum lot size of four and one-half acres.

2849 28. Only allowed on properties that are outside the urban growth area.

2850 SECTION 47. Ordinance 10870, Section 337, as amended, and K.C.C.

2851 21A.08.100 are hereby amended to read as follows:

2852 A. Regional land uses.

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

	Animal Control Facility												
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
*	<u>Renewable Energy Generation Facility</u>	<u>C28</u>	<u>C28</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
*	<u>Fossil Fuel Facility</u>												<u>S27</u>
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
((13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C))
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance Facility				C23								P

*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort Facility				P26		P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221-8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

2853 B. Development conditions.

2854 1. Except technical institutions. See vocational schools on general services land
2855 use table, K.C.C. 21A.08.050.

2856 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

2857 3. Except weapons armories and outdoor shooting ranges.

2858 4. Except outdoor shooting range.

2859 5. Only in conjunction with an existing or proposed school.

2860 6.a. Limited to no more than three satellite dish antennae.

2861 b. Limited to one satellite dish antenna.

2862 c. Limited to tower consolidations.

2863 7. Limited to landing field for aircraft involved in forestry or agricultural
2864 practices or for emergency landing sites.

2865 8. Except racing of motorized vehicles.

2866 9. Limited to wildlife exhibit.

2867 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

2868 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
2869 21A.32.

2870 12. Limited to ~~((cogeneration facilities for on-site use only))~~ gas extraction as an
2871 accessory use to a waste management process, such as wastewater treatment, landfill
2872 waste management, livestock manure and composting processes.

2873 13. Excluding impoundment of water using a dam.

2874 14. Limited to facilities that comply with the following:

2875 a. Any new diversion structure shall not:

2876 (1) exceed a height of eight feet as measured from the streambed; or

2877 (2) impound more than three surface acres of water at the normal maximum
2878 surface level;

2879 b. There shall be no active storage;

2880 c. The maximum water surface area at any existing dam or diversion shall not
2881 be increased;

2882 d. An exceedance flow of no greater than fifty percent in mainstream reach
2883 shall be maintained;

2884 e. Any transmission line shall be limited to a:

2885 (1) right-of-way of five miles or less; and

2886 (2) capacity of two hundred thirty KV or less;
2887 f. Any new, permanent access road shall be limited to five miles or less; and
2888 g. The facility shall only be located above any portion of the stream used by
2889 anadromous fish.

2890 15. For I-zoned sites located outside the urban growth area designated by the
2891 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
2892 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
2893 prohibited. All other uses, including waste water treatment facilities, shall be subject to
2894 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

2895 16. The operator of such a facility shall provide verification to the department of
2896 natural resources and parks or its successor organization that the facility meets or exceeds
2897 the standards of the Animal and Plant Health Inspection Service of the United States
2898 Department of Agriculture and the accreditation guidelines of the American Zoo and
2899 Aquarium Association.

2900 17. The following provisions of the table apply only to major communication
2901 facilities. Minor communication facilities shall be reviewed in accordance with the
2902 processes and standard outlined in K.C.C. chapter 21A.27.

2903 18. Only for facilities related to resource-based research.

2904 19. Limited to work release facilities associated with natural resource-based
2905 activities.

2906 20. Limited to projects which do not require or result in an expansion of sewer
2907 service outside the urban growth area, unless a finding is made that no cost-effective
2908 alternative technologies are feasible, in which case a tightline sewer sized only to meet

2909 the needs of the school bus base and serving only the school bus base may be used.
2910 Renovation, expansion, modernization or reconstruction of a school bus base is permitted
2911 but shall not require or result in an expansion of sewer service outside the urban growth
2912 area, unless a finding is made that no cost-effective alternative technologies are feasible,
2913 in which case a tightline sewer sized only to meet the needs of the school bus base.

2914 21. Only in conformance with the King County Site Development Plan Report,
2915 through modifications to the plan of up to ten percent are allowed for the following:

- 2916 a. building square footage;
- 2917 b. landscaping;
- 2918 c. parking;
- 2919 d. building height; or
- 2920 e. impervious surface.

2921 22. A special use permit shall be required for any modification or expansion of
2922 the King County fairgrounds facility that is not in conformance with the King County
2923 Site Development Plan Report or that exceeds the allowed modifications to the plan
2924 identified in subsection B.21. of this section.

2925 23. The facility shall be primarily devoted to rural public infrastructure
2926 maintenance and is subject to the following conditions:

- 2927 a. The minimum site area shall be ten acres, unless:
 - 2928 (1) the facility is a reuse of a public agency yard; or
 - 2929 (2) the site is separated from a county park by a street or utility right-of-way;
- 2930 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
2931 between any stockpiling or grinding operations and adjacent residential zoned property;

2932 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
2933 between any office and parking lots and adjacent residential zoned property;

2934 d. Access to the site does not use local access streets that abut residential zoned
2935 property, unless the facility is a reuse of a public agency yard;

2936 e. Structural setbacks from property lines shall be as follows:

2937 (1) Buildings, structures and stockpiles used in the processing of materials
2938 shall be no closer than:

2939 (a) one hundred feet from any residential zoned properties, except that the
2940 setback may be reduced to fifty feet when the grade where the building or structures are
2941 proposed is fifty feet or greater below the grade of the residential zoned property;

2942 (b) fifty feet from any other zoned property, except when adjacent to a
2943 mineral extraction or materials processing site;

2944 (c) the greater of fifty feet from the edge of any public street or the setback
2945 from residential zoned property on the far side of the street; and

2946 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall
2947 not be closer than fifty feet from any property line except when adjacent to M or F zoned
2948 property or when a reuse of an existing building. Facilities necessary to control access to
2949 the site, when demonstrated to have no practical alternative, may be located closer to the
2950 property line;

2951 f. On-site clearing, grading or excavation, excluding that necessary for
2952 required access, roadway or storm drainage facility construction, shall not be permitted
2953 within fifty feet of any property line except along any portion of the perimeter adjacent to
2954 M or F zoned property. If native vegetation is restored, temporary disturbance resulting

2955 from construction of noise attenuation features located closer than fifty feet shall be
2956 permitted; and

2957 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

2958 24. The following accessory uses to a motor race track operation are allowed if
2959 approved as part of the special use permit:

2960 a. motocross;

2961 b. autocross;

2962 c. skidpad;

2963 d. garage;

2964 e. driving school; and

2965 f. fire station.

2966 25. Regional transit authority facilities shall be exempt from setback and height
2967 requirements.

2968 26. Transit comfort facility shall:

2969 a. only be located outside of the urban growth area boundary;

2970 b. be exempt from street setback requirements; and

2971 c. be no more than 200 square feet in size.

2972 27.a. Required for all new, modified or expanded fossil fuel facilities.

2973 Modification or expansion includes, but is not limited to:

2974 (1) new uses or fuel types within existing facilities;

2975 (2) changes to the type of refining, manufacturing or processing;

2976 (3) changes in the methods or volumes of storage or transport of raw
2977 materials or processed products;

2978 (4) changes in the location of the facilities on-site;

2979 (5) replacement of existing facilities;

2980 (6) increases in power or water demands; or

2981 (7) increases in production capacity; and

2982 b. Facilities shall:

2983 (1) not be located within one thousand feet from any schools, medical care

2984 facilities, or places of assembly that have occupancies of greater than one thousand

2985 persons;

2986 (2) not be located within two hundred fifty feet from a regulated wetland or

2987 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the

2988 buffer in K.C.C. chapter 21A.24 shall apply;

2989 (3) maintain an interior setback of at least two hundred feet;

2990 (4) store fossil fuels completely within enclosed structures, tanks or similar

2991 facilities; and

2992 (5) be accessed directly to and from an arterial roadway.

2993 28. Limited to uses that will not convert more than two acres of farmland or

2994 forestland, or 2.5 percent of the farmland or forestland, whichever is less.

2995 SECTION 48. Ordinance 10870, Section 340, as amended, and K.C.C.

2996 21A.12.030 are hereby amended to read as follows:

2997 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	du/ac	du/ac	du/ac	du/ac	du/ac	(6)	du/ac	du/ac	du/ac	du/ac	du/ac	du/ac	du/ac

Unit/Acre (15) (28)					(21)								
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/ac (20)						6 du/ ac (22) 8 du/ ac (27)	9 du/ac 12 du/ac (27)	12 du/ac 16 du/ac (27)	18 du/ac 24 du/ac (27)	27 du/ac 36 du/ac (27)	36 du/ac 48 du/ac (27)	72 du/ac 96 du/ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

2998

B. Development conditions.

2999

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

3000

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

3001

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

3002

density incentive or density transfer.

3003 2. Also see K.C.C. 21A.12.060.

3004 3. These standards may be modified under the provisions for zero-lot-line and

3005 townhouse developments.

3006 4.a. Height limits may be increased if portions of the structure that exceed the

3007 base height limit provide one additional foot of street and interior setback for each foot

3008 above the base height limit, but the maximum height may not exceed seventy-five feet.

3009 b. Netting or fencing and support structures for the netting or fencing used to

3010 contain golf balls in the operation of golf courses or golf driving ranges are exempt from

3011 the additional interior setback requirements but the maximum height shall not exceed

3012 seventy-five feet, except for recreation or multiuse parks, where the maximum height

3013 shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires

3014 a higher fence.

3015 c. Accessory dwelling units and accessory living quarters shall not exceed base

3016 heights, except that this requirement shall not apply to accessory dwelling units

3017 constructed wholly within an existing dwelling unit.

3018 5. Applies to each individual lot. Impervious surface area standards for:

3019 a. Regional uses shall be established at the time of permit review;

3020 b. Nonresidential uses in rural area and residential zones shall comply with

3021 K.C.C. 21A.12.120 and 21A.12.220;

3022 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand

3023 seventy-six square feet in area shall be subject to the applicable provisions of the nearest

3024 comparable R-6 or R-8 zone; and

3025 d. A lot may be increased beyond the total amount permitted in this chapter

3026 subject to approval of a conditional use permit.

3027 6. Mobile home parks shall be allowed a base density of six dwelling units per
3028 acre.

3029 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
3030 square feet in area.

3031 8. At least twenty linear feet of driveway shall be provided between any garage,
3032 carport or other fenced parking area and the street property line. The linear distance shall
3033 be measured along the center line of the driveway from the access point to such garage,
3034 carport or fenced area to the street property line.

3035 9.a. Residences shall have a setback of at least one hundred feet from any
3036 property line adjoining A, M or F zones or existing extractive operations. However,
3037 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
3038 existing extractive operations shall have a setback from the rear property line equal to
3039 fifty percent of the lot width and a setback from the side property equal to twenty-five
3040 percent of the lot width.

3041 b. Except for residences along a property line adjoining A, M or F zones or
3042 existing extractive operations, lots between one acre and two and one-half acres in size
3043 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
3044 to the requirements of the R-4 zone.

3045 10.a. For developments consisting of three or more single-detached dwellings
3046 located on a single parcel, the setback shall be ten feet along any property line abutting
3047 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
3048 K.C.C. 21A.14.190, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

13. The minimum lot area does not apply to lot clustering proposals as provided in K.C.C. chapter 21A.14.

14. The base height to be used only for projects as follows:

a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24 and R-48 zones using residential density incentives and

3072 transfer of density credits in accordance with this title.

3073 15. Density applies only to dwelling units and not to sleeping units.

3074 16. Vehicle access points from garages, carports or fenced parking areas shall
3075 be set back from the property line on which a joint use driveway is located to provide a
3076 straight line length of at least twenty-six feet as measured from the center line of the
3077 garage, carport or fenced parking area, from the access point to the opposite side of the
3078 joint use driveway.

3079 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
3080 be clustered if the property is located within or contains:

3081 (1) a floodplain;

3082 (2) a critical aquifer recharge area;

3083 (3) a regionally or locally significant resource area;

3084 (4) existing or planned public parks or trails, or connections to such facilities;

3085 (5) a category type S or F aquatic area or category I or II wetland;

3086 (6) a steep slope; or

3087 (7) an urban separator or wildlife habitat network designated by the
3088 Comprehensive Plan or a community plan.

3089 b. The development shall be clustered away from critical areas or the axis of
3090 designated corridors such as urban separators or the wildlife habitat network to the extent
3091 possible and the open space shall be placed in a separate tract that includes at least fifty
3092 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
3093 homeowner's association or other suitable organization, as determined by the director,
3094 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and

3095 designated urban separators shall be placed within the open space tract to the extent
3096 possible. Passive recreation, with no development of recreational facilities, and natural-
3097 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

3098 18. See K.C.C. 21A.12.085.

3099 19. All subdivisions and short subdivisions in R-1 and RA zones within the
3100 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
3101 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
3102 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
3103 Sammamish Community Planning Area that drains to Patterson Creek shall have a
3104 maximum impervious surface area of eight percent of the gross acreage of the plat.
3105 Distribution of the allowable impervious area among the platted lots shall be recorded on
3106 the face of the plat. Impervious surface of roads need not be counted towards the
3107 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
3108 more restrictive shall be required.

3109 20. This density may only be achieved on RA 2.5 zoned parcels receiving
3110 density from rural forest focus areas through a transfer of density credit pursuant to
3111 K.C.C. chapter 21A.37.

3112 21. Base density may be exceeded, if the property is located in a designated
3113 rural city urban growth area and each proposed lot contains an occupied legal residence
3114 that predates 1959.

3115 22. The maximum density is four dwelling units per acre for properties zoned
3116 R-4 when located in the Rural Town of Fall City.

3117 23. The minimum density requirement does not apply to properties located

3118 within the Rural Town of Fall City.

3119 24. The impervious surface standards for the county fairground facility are
3120 established in the King County Fairgrounds Site Development Plan, Attachment A to
3121 Ordinance 14808 on file at the department of natural resources and parks and the
3122 department of local services, permitting division. Modifications to that standard may be
3123 allowed provided the square footage does not exceed the approved impervious surface
3124 square footage established in the King County Fairgrounds Site Development Plan
3125 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,
3126 by more than ten percent.

3127 25. For cottage housing developments only:

3128 a. The base height is ~~((eighteen))~~ twenty-five feet.

3129 b. Buildings have pitched roofs with a minimum slope of six and twelve may
3130 extend up to ~~((twenty-five))~~ thirty feet at the ridge of the roof.

3131 26. Impervious surface does not include access easements serving neighboring
3132 property and driveways to the extent that they extend beyond the street setback due to
3133 location within an access panhandle or due to the application of King County Code
3134 requirements to locate features over which the applicant does not have control.

3135 27. Only in accordance with K.C.C. 21A.34.040.F.1.g., ~~((and))~~ F.6. or K.C.C.
3136 21A.37.130.A.2.

3137 28. On a site zoned RA with a building listed on the national register of historic
3138 places, additional dwelling units in excess of the maximum density may be allowed under
3139 K.C.C. 21A.12.042.

3140 29. Height and setback requirements shall not apply to regional transit authority

3141 facilities.

3142 SECTION 49. Ordinance 16267, Section 30, and K.C.C. 21A.12.250 are hereby
3143 amended to read as follows:

3144 The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the
3145 office/outpatient clinic use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a
3146 conditional use, subject to the following requirements:

3147 A. The site shall be zoned R-4 through R-48;

3148 B. The establishment shall be located within one-quarter mile of a rural town,
3149 unincorporated activity center, community business center or neighborhood business
3150 center and less than one mile from another commercial establishment;

3151 C. The establishment shall be located in either:

3152 1. ~~((a))~~A legally established single family dwelling in existence on or before
3153 January 1, 2008. The structure may not be expanded by more than ten percent as
3154 provided in K.C.C. ~~((21A.30.xxx))~~ 21A.32.065 for the expansion of legally established
3155 nonconforming uses; or

3156 2. A mixed use development with one hundred percent of the dwelling units
3157 affordable to households with incomes at or below sixty percent of area median income
3158 and on-site supportive services consistent with the King County Consortium
3159 Consolidated Housing and Community Development Plan or successor plan;

3160 D. The maximum on-site parking ratio for establishments and sites shall be ~~((2))~~
3161 two per ((4000)) one thousand square feet and required parking shall not be located
3162 between the building and the street; and

3163 E. Sign and landscaping standards for the use apply.

3164 SECTION 50. Ordinance 15032, Section 18, as amended, and K.C.C.
3165 21A.14.025 are hereby amended to read as follows:
3166 For cottage housing developments in the R4-R8 zones:
3167 A. The total area of the common open space must be at least two hundred and
3168 fifty square feet per unit and at least fifty percent of the units must be clustered around
3169 the common space.
3170 B. The total floor area of each unit, ~~((including))~~ except for two hundred and fifty
3171 square feet of any enclosed parking, is limited to one thousand two hundred square feet.
3172 The footprint of each unit, including any enclosed parking, is limited to nine hundred
3173 square feet. A front or wraparound porch of up to one hundred square feet is permitted
3174 and is not to be included in the floor area or footprint calculation.
3175 C. Fences within the cottage housing unit development are limited to three feet in
3176 height. Fences along the perimeter of the cottage housing development are limited to six
3177 feet.
3178 D. Individual cottage housing units must be at least ten feet apart.
3179 E. Each dwelling unit that abuts common open space shall have either a primary
3180 entry or a covered porch, or both, oriented to the common open space.
3181 F. Each dwelling unit within forty feet of a public right-of-way, not including
3182 alleys, shall have a facade oriented to the public right-of-way that includes a porch, an
3183 entrance or a bay window that projects a minimum of six inches and is a minimum of
3184 four feet in width. If a dwelling unit is within forty feet of more than one public right-of-
3185 way, the department shall determine which right-of-way towards which the facade
3186 elements shall be oriented. Materials used on this facade shall wrap the corners of the

3187 unit.

3188 SECTION 51. Ordinance 10870, Section 407, as amended, and K.C.C.

3189 21A.18.030 are hereby amended to read as follows:

3190 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking
3191 areas shall contain at a minimum the number of parking spaces as stipulated in the
3192 following table. Off-street parking ratios expressed as number of spaces per square feet
3193 means the usable or net square footage of floor area, exclusive of non-public areas. Non-
3194 public areas include but are not limited to building maintenance areas, storage areas,
3195 closets or restrooms. If the formula for determining the number of off-street parking
3196 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
3197 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
3198 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units

Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<u>Cottage housing</u>	<u>1.0 per dwelling unit</u>
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES

	REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium

Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage

	area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
((Remote tasting rooms	1 per 300 square feet of tasting and
retail areas))	retail areas))

Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
Manufacturing uses	0.9 per 1,000 square feet
((Winery/Brewery/Distillery Facility II and III	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas))
RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

3199 B. An applicant may request a modification of the minimum required number of
3200 parking spaces by providing that parking demand can be met with a reduced parking
3201 requirement. In such cases, the director may approve a reduction of up to fifty percent of
3202 the minimum required number of spaces.

3203 C. When the county has received a shell building permit application, off-street
3204 parking requirements shall be based on the possible tenant improvements or uses
3205 authorized by the ((~~zone designation~~)) zoning classification and compatible with the
3206 limitations of the shell permit. When the range of possible uses result in different parking
3207 requirements, the director will establish the amount of parking based on a likely range of
3208 uses.

3209 D. Where other provisions of this code stipulate maximum parking allowed or
3210 reduced minimum parking requirements, those provisions shall apply.

3211 E. In any development required to provide six or more parking spaces, bicycle
3212 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
3213 facilities unless otherwise specified.

3214 1. Off-street parking areas shall contain at least one bicycle parking space for
3215 every twelve spaces required for motor vehicles except as follows:

3216 a. The director may reduce bike rack parking facilities for patrons when it is
3217 demonstrated that bicycle activity will not occur at that location.

3218 b. The director may require additional spaces when it is determined that the
3219 use or its location will generate a high volume of bicycle activity. Such a determination
3220 will include but not be limited to the following uses:

3221 (1) Park/playfield,

3222 (2) Marina,

3223 (3) Library/museum/arboretum,

3224 (4) Elementary/secondary school,

3225 (5) Sports club, or

3226 (6) Retail business (when located along a developed bicycle trail or
3227 designated bicycle route).

3228 2. Bicycle facilities for patrons shall be located within 100 feet of the building
3229 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
3230 structure attached to the pavement.

3231 3. All bicycle parking and storage shall be located in safe, visible areas that do
3232 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

3233 4. When more than ten people are employed on site, enclosed locker-type

3234 parking facilities for employees shall be provided. The director shall allocate the
3235 required number of parking spaces between bike rack parking and enclosed locker-type
3236 parking facilities.

3237 5. One indoor bicycle storage space shall be provided for every two dwelling
3238 units in townhouse and apartment residential uses, unless individual garages are provided
3239 for every unit. The director may reduce the number of bike rack parking spaces if indoor
3240 storage facilities are available to all residents.

3241 SECTION 52. Ordinance 10870, Section 413, as amended, and K.C.C.

3242 21A.18.090 are hereby amended to read as follows:

3243 A. All land uses listed in K.C.C. 21A.08.060, A. (Government/Business
3244 Services), and in K.C.C. 21A.08.080, A. (Manufacturing), hospitals, high schools,
3245 vocational schools, universities and specialized instruction schools shall be required to
3246 reserve one parking space of every ~~((20))~~ twenty required spaces for rideshare parking as
3247 follows:

3248 1. The parking spaces shall be located closer to the primary employee entrance
3249 than any other employee parking except disabled;

3250 2. Reserved areas shall have markings and signs indicating that the space is
3251 reserved; and

3252 3. Parking in reserved areas shall be limited to vanpools and carpools
3253 established through ride share programs by public agencies and to vehicles meeting
3254 minimum rideshare qualifications set by the employer~~((;))~~.

3255 B. The director may reduce the number of required off-street parking spaces
3256 when one or more scheduled transit routes provide service within ~~((660))~~ six hundred

sixty feet of the site. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 - 9:00(~~(AM)~~) a.m. and 4:00 - 6:00(~~(PM)~~) p.m. each business day up to a maximum reduction as follows:

1. Four percent for each run serving land uses in K.C.C. 21A.08.060A. (Government/Business Services) and K.C.C. 21A.08.080A. (Manufacturing) up to a maximum of forty percent; (~~and~~)

2. Two percent for each run serving land uses in K.C.C. 21A.08.040A. (Recreation/Culture), 21A.08.050A. (General Services) and 21A.08.060A. (Retail/Wholesale) up to a maximum of twenty percent; and

3. When served by transit runs scheduled every fifteen minutes or less, cottage housing sites shall have no required parking minimum.

C. All uses which are located on an existing transit route and are required under the computation for required off-street parking spaces in K.C.C. 21A.18.030A. to provide more than (~~(200)~~) two hundred parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses (~~(which)~~) that reduce required parking under subsection B. of this section shall provide transit shelters if transit routes adjoin the site.

SECTION 53. Ordinance 10870, Section 435, and K.C.C. 21A.20.150 are hereby amended to read as follows:

A. In the event that a billboard owner elects to relocate CB zoned billboards outside of the CB zone, the CB (~~(zone designation)~~) zoning classification shall be removed and that permit may not later be used to relocate a billboard in the CB zone.

B. Billboards may be relocated only within the zone district identified on the

3280 valid billboard permit, except the number of billboards permitted within non-CB zone
3281 district may increase only as a result of billboard relocation from within the CB zone
3282 district.

3283 SECTION 54. Ordinance 10870, Section 439, as amended, and K.C.C.

3284 21A.22.010 are hereby amended to read as follows:

3285 The purpose of this chapter is to establish standards that minimize the impacts of
3286 mineral extraction ~~((and))~~ or processing, coal mining, materials processing ((operations))
3287 facilities and fossil fuel facilities upon surrounding properties by:

3288 A. Ensuring adequate review of operating aspects of mineral extraction ~~((and))~~ or
3289 processing, coal mining, materials processing facility and fossil fuel facility sites;

3290 B. Requiring project phasing on large sites to minimize environmental impacts;

3291 C. Requiring minimum site areas large enough to provide setbacks and
3292 mitigations necessary to protect environmental quality; and

3293 D. Requiring periodic review of mineral extraction ~~((and))~~ or processing, coal
3294 mining, materials processing ((operations)) facilities and fossil fuel facilities to ensure
3295 compliance with the approved operating standards.

3296 SECTION 55. Ordinance 10870, Section 440, as amended, and K.C.C.

3297 21A.22.020 are hereby amended to read as follows:

3298 This chapter shall only apply to the following uses or activities ~~((that are))~~:

3299 A. ((m))Mineral extraction or processing, or both, and including SIC 10 and 14;

3300 B. Coal mining, including SIC 12;

3301 C. ((m))Materials processing ((operations)) facilities; and

3302 D. Fossil fuel facilities.

3303 SECTION 56. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are hereby
3304 amended to read as follows:

3305 ~~((Extractive))~~ Mineral extraction or processing operations, coal mine operations
3306 and materials processing facility operations shall commence only after issuance of a
3307 grading permit by the county.

3308 SECTION 57. Ordinance 15032, Section 26, as amended, and K.C.C.
3309 21A.22.035 are hereby amended to read as follows:

3310 A. Not later than thirty days after the department provides the notice of
3311 application to the public required by K.C.C. 20.20.060 ~~((on))~~ for a ((mineral extraction or
3312 ~~materials processing site))~~ use regulated under this chapter, or for an expansion of an
3313 existing ~~((mineral extraction or materials processing site or operation))~~ use regulated
3314 under this chapter beyond the scope of the prior environmental review, the applicant shall
3315 hold a community meeting. The notice of application shall include notification of the
3316 date, time and location of the community meeting. At the meeting, the applicant shall
3317 provide information relative the proposal, including information on existing residences
3318 and lot patterns within one-quarter mile of potential sites and on alternative haul routes.
3319 The applicant shall also provide a preliminary evaluation at the meeting of any alternative
3320 routes that have been provided to the applicant in writing at least five days in advance of
3321 the meeting. The applicant shall provide to the department within fourteen days after the
3322 community meeting a written list of meeting attendees and documentation of the meeting.

3323 B. Public notice of the community meeting required by this section shall be
3324 prepared, posted and distributed in accordance with K.C.C. 20.20.060 at least two weeks
3325 before the community meeting. In addition, the department shall:

3326 1. Publish a notice of the meeting in a local newspaper of general circulation in
3327 the affected area;

3328 2. Mail the notice of the meeting to all property owners within one-quarter mile
3329 of the proposed or expanded site or to at least twenty of the property owners nearest to
3330 the site, whichever is greater; and

3331 3. Mail the notice of the meeting to all property owners within five hundred feet
3332 of any proposed haul route from the site to the nearest arterial.

3333 SECTION 58. Ordinance 10870, Section 442, as amended, and K.C.C.

3334 21A.22.040 are hereby amended to read as follows:

3335 To the maximum extent practicable, nonconforming ~~((mineral extraction~~
3336 ~~operations))~~ uses regulated under this chapter shall be brought into conformance with the
3337 operating conditions and performance standards of this chapter during permit renewal.

3338 The department shall establish a schedule for conformance during the first periodic

3339 review of the nonconforming ~~((mineral extraction))~~ operation or facility and

3340 incorporate~~((d))~~ such a schedule into the permit conditions.

3341 SECTION 59. Ordinance 10870, Section 443, as amended, and K.C.C.

3342 21A.22.050 are hereby amended to read as follows:

3343 A. In addition to the review conducted as part of the annual renewal of a mineral
3344 extraction or processing operating permit, coal mine permit or materials processing

3345 facility permit, the department shall conduct a periodic review of mineral extraction

3346 ~~((and))~~ or processing, coal mine, materials processing ((operation)) facility or fossil fuel

3347 facility site design and operating standards at five-year intervals from the date of issuance

3348 of the permit.

3349 B. The periodic review is a Type 2 land use decision.

3350 C. The periodic review shall ~~((determine))~~:

3351 1. Determine ~~((W))~~whether the site is operating consistent with all existing

3352 permit conditions and, if not, establish corrective actions; and

3353 2. ~~((That))~~ Apply the most current site design and operating standards ~~((are~~

3354 ~~applied))~~ to the site through additional or revised permit conditions as necessary to

3355 mitigate identifiable environmental, public health and public safety impacts.

3356 SECTION 60. Ordinance 10870, Section 444, as amended, and K.C.C.

3357 21A.22.060 are hereby amended to read as follows:

3358 Except as otherwise provided ~~((for nonconforming mineral extraction operations))~~

3359 in K.C.C. 21A.22.040, in addition to requirements in this title, all ~~((mineral extraction~~

3360 ~~and materials processing operations))~~ uses regulated under this chapter shall comply with

3361 the following standards:

3362 A. The minimum site area ~~((of a mineral extraction or materials processing~~

3363 ~~operation))~~ shall be ten acres;

3364 B. ~~((Mineral extraction or materials processing operations o))~~On sites larger than

3365 twenty acres, activities shall occur in phases to minimize environmental impacts. The

3366 size of each phase shall be determined during the review process;

3367 C. If the department determines they are necessary to eliminate a safety hazard,

3368 fences or alternatives to fences ~~((approved by the department,))~~ shall be:

3369 1. Provided in a manner that discourages access to areas of the site where:

3370 a. active extracting, processing, stockpiling and loading of materials is

3371 occurring;

3372 b. boundaries are in common with residential or commercial zone property or
3373 public lands; or

3374 c. any unstable slope or any slope exceeding a grade of forty percent is present;

3375 2. At least six feet in height above the grade measured at a point five feet
3376 outside the fence and the fence material shall have no opening larger than two inches;

3377 3. Installed with lockable gates at all openings or entrances;

3378 4. No more than four inches from the ground to fence bottom; and

3379 5. Maintained in good repair;

3380 D. Warning and trespass signs advising of the ~~((mineral extraction or materials~~
3381 ~~processing operation))~~ use shall be placed on the perimeter of the site adjacent to RA, UR
3382 or R zones at intervals no greater than two hundred feet along any unfenced portion of the
3383 site where the items noted in subsection C.1.~~((a. through e.))~~ of this section are present;

3384 E. Structural setbacks from property lines shall be as follows:

3385 1. Buildings, structures and stockpiles used in the processing of materials shall
3386 be no closer than:

3387 a. one hundred feet from any residential zoned properties except that the
3388 setback may be reduced to fifty feet when the grade where such building or structures are
3389 proposed is fifty feet or greater below the grade of the residential zoned property;

3390 b. fifty feet from any other zoned property, except when adjacent to another
3391 ~~((mineral extraction or materials processing site))~~ use regulated under this chapter;

3392 c. the greater of fifty feet from the edge of any public street or the setback from
3393 residential zoned property on the far side of the street; and

3394 2. Offices, scale facilities, equipment storage buildings and stockpiles, including
3395 those for reclamation, shall not be closer than fifty feet from any property line except
3396 when adjacent to another (~~((mineral extraction or materials processing site))~~) use regulated
3397 under this chapter or M or F zoned property. Facilities necessary to control access to the
3398 site, when demonstrated to have no practical alternative, may be located closer to the
3399 property line;

3400 F. On-site clearing, grading or excavation, excluding that necessary for required
3401 access, roadway or storm drainage facility construction or activities in accordance with
3402 an approved reclamation plan, shall not be permitted within fifty feet of any property line
3403 except along any portion of the perimeter adjacent to another (~~((mineral extraction or~~
3404 ~~materials processing operation))~~) use regulated under this chapter or M or F zoned
3405 property. If native vegetation is restored, temporary disturbance resulting from
3406 construction of noise attenuation features located closer than fifty feet shall be permitted;

3407 G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except
3408 using only plantings native to the surrounding area, shall be provided along any portion
3409 of the site perimeter where site disturbances (~~((such as site clearing and grading, or~~
3410 ~~mineral extraction or materials processing is))~~) associated with a use regulated under this
3411 chapter are performed, except where adjacent to another (~~((mineral extraction, materials~~
3412 ~~processing or))~~) use regulated under this chapter, forestry operation or M or F-zoned
3413 property;

3414 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82
3415 shall be applied; and

3416 I. Lighting shall:

3417 1. Be limited to that required for security, lighting of structures and equipment,
3418 and vehicle operations; and

3419 2. Not directly glare onto surrounding properties.

3420 SECTION 61. Ordinance 10870, Section 445, as amended, and K.C.C.

3421 21A.22.070 are hereby amended to read as follows:

3422 Operating conditions and performance standards for all clearing and grading
3423 activity for a use regulated under this chapter shall be as specified in K.C.C. chapter
3424 16.82 except:

3425 A.1. Noise levels (~~((produced by a mineral extraction or materials processing~~
3426 ~~operation)))~~ shall not exceed levels specified by K.C.C. chapter 12.86;

3427 2. Hours of operation (~~((for mineral extraction and materials processing~~
3428 ~~facilities)))~~), unless otherwise specified by the director, shall be between 7:00 a.m. and
3429 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and
3430 holidays;

3431 3. Before approving any variation of the hours of operation, the department
3432 shall:

3433 a. determine whether on-site operations can comply with nighttime noise
3434 standards in accordance with K.C.C. 12.86.110, and K.C.C. 12.86.120;

3435 b. determine whether the variance would cause significant adverse noise
3436 impacts to the community in accordance with standards and methodologies developed by
3437 the Federal Transit Administration, Federal Highway Administration or World Health
3438 Organization, or any combination thereof, for evaluating noise impacts, or other
3439 comparable standards and methods; and

3440 c. require mitigation for any identified impacts before the department approves
3441 a variation in the hours of operation; and

3442 4. The director's decision to approve a variation in the hours of operation shall
3443 be in writing and shall include a specific finding of compliance with the noise standards,
3444 the facts and conclusions supporting that finding and any mitigation, conditions or
3445 limitations imposed. All decisions made under this subsection shall be compiled by the
3446 department and made available for public inspection;

3447 B. Blasting shall be conducted under an approved blasting plan:

3448 1. Consistent with the methods specified in the Office of Surface Mining
3449 Enforcement and Reclamation 1987 Blasting Guidance Manual in a manner that protects
3450 from damage all structures, excluding those owned and directly used by the operator, and
3451 persons in the vicinity of the blasting area, including, but not limited to, adherence to the
3452 following:

3453 a. Airblast levels shall not exceed one hundred thirty-three decibels measured
3454 by a two Hz or lower flat response system at the nearest residential property or place of
3455 public assembly;

3456 b. Flyrock shall not be cast one-half the distance to the nearest residential
3457 property, place of public assembly or the property boundary, whichever is less. For the
3458 purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior
3459 to any enclosed structure, at ground surface, which separates the property of one or more
3460 persons from that owned by others, and its vertical extension; and

c. Ground motion shall not exceed ground vibration levels damaging to structures using one of the four accepted methods in the Office of Surface Mining Enforcement and Reclamation 1987 Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule, provided to residents within one-half mile of the site, that features regular or predictable times, except in the case of an emergency. If requested by a resident, the operator shall provide notice of changes in the time schedule at least twenty four hours before the changes take effect;

C.1. Dust and smoke (~~((produced by mineral extraction and materials processing operations))~~) shall be controlled by best management practices to comply with relevant regulations of the Puget Sound Clean Air Agency.

2. Dust and smoke (~~((from process facilities))~~) shall be controlled in accordance with a valid operating permit from the Puget Sound Clean Air Agency, when required.

Copies of the permit shall be kept onsite and available for department and public inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be provided to the department on permit monitoring data submittal dates.

3. Dust and smoke (~~((from process facilities))~~) shall not significantly increase the existing levels of suspended particulates at the perimeter of the site;

D. The applicant shall prevent rocks, dirt, mud and any raw or processed material from spilling from or being tracked by trucks onto public roadways and shall be responsible for cleaning debris or repairing damage to roadways caused by the operation;

E. The applicant shall provide traffic control measures such as flaggers or warning signs as determined by the department during all hours of operation;

3484 F. The operator shall control surface water and site discharges to comply with
3485 K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the
3486 stormwater pollution prevention manual. For the life of the ((~~mineral resource~~))
3487 operation and until site reclamation is complete, the operator shall maintain a valid
3488 Washington state Department of Ecology National Pollutant Discharge Elimination
3489 System individual permit or maintain coverage under the sand and gravel general permit.
3490 The operator shall keep onsite and available for department review copies of the erosion
3491 and sediment control plan, the applicable National Pollution Discharge Elimination
3492 System individual or general permit and the Stormwater Pollution Prevention Plan. The
3493 operator shall make the plans and permit available for public inspection upon request.
3494 The operator shall provide to the department copies of the monitoring results on permit
3495 monitoring data submittal dates. The department shall make the monitoring results
3496 available for public inspection. If the department determines that National Pollution
3497 Discharge Elimination System monitoring frequency or type is not adequate to meet the
3498 demands of the site and the requirements of this subsection, the department may require
3499 more frequent and detailed monitoring and may require a program designed to bring the
3500 site into compliance;

3501 G. The operator shall not excavate below the contours determined through
3502 hydrologic studies necessary to protect groundwater and the upper surface of the
3503 saturated groundwater that could be used for potable water supply;

3504 H. If contamination of surface or ground water by herbicides is possible, to the
3505 maximum extent practicable, mechanical means shall be used to control noxious weeds
3506 on the site;

3507 I. Upon depletion of ((~~mineral~~)) resources or abandonment of the site, the
3508 operator shall remove all structures, equipment and appurtenances accessory to
3509 operations; and

3510 J. If the operator fails to comply with this section, the department shall require
3511 modifications to operations, procedures or equipment until compliance is demonstrated to
3512 the satisfaction of the department. If the modifications are inconsistent with the approved
3513 permit conditions, the department shall revise the permit accordingly.

3514 SECTION 62. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081
3515 are hereby amended to read as follows:

3516 A. A valid clearing and grading permit shall be maintained on a mineral
3517 extraction or coal mine site until the reclamation of the site required under chapter 78.44
3518 RCW is completed.

3519 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be
3520 submitted before the effective date of a zone reclassification in Mineral-zoned properties
3521 or the acceptance of any development proposal for a subsequent use in Forest-zoned
3522 properties. The zone reclassification shall grant potential zoning that is only to be
3523 actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of
3524 all requirements of the reclamation plan. Development proposals in the Forest zone for
3525 uses subsequent to mineral extraction or coal mine operations shall not be approved until
3526 demonstration of successful completion of all requirements of the reclamation plan
3527 except that forestry activities may be permitted on portions of the site already fully
3528 reclaimed.

3529 C. Mineral extraction and coal mine operations that are not required to have an
3530 approved reclamation plan under chapter 78.44 RCW shall meet the following
3531 requirements:

3532 1. Upon the exhaustion of minerals or materials or upon the permanent
3533 abandonment of the quarrying or mining operation, all nonconforming buildings,
3534 structures, apparatus or appurtenances accessory to the quarrying and mining operation
3535 shall be removed or otherwise dismantled to the satisfaction of the director;

3536 2. Final grades shall:

3537 a. be such so as to encourage the uses permitted within the primarily
3538 surrounding zone or, if applicable, the underlying or potential ((~~zone~~)) zoning
3539 classification; and

3540 b. result in drainage patterns that reestablish natural conditions of water
3541 velocity, volume, and turbidity within six months of reclamation and that precludes water
3542 from collecting or becoming stagnant. Suitable drainage systems approved by the
3543 department shall be constructed or installed where natural drainage conditions are not
3544 possible or where necessary to control erosion. All constructed drainage systems shall be
3545 designed consistent with the Surface Water Design Manual;

3546 3. All areas subject to grading or backfilling shall:

3547 a. incorporate only nonnoxious, nonflammable, noncombustible and
3548 nonputrescible solids; and

3549 b. except for roads and areas incorporated into drainage facilities, be surfaced
3550 with soil of a quality at least equal to the topsoil of the land areas immediately
3551 surrounding, and to a depth of the topsoil of land area immediately surrounding six

3552 inches, whichever is greater. The topsoil layer shall have an organic matter content of
3553 eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original
3554 undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be
3555 tilled or scarified before topsoil placement;

3556 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both
3557 profile and plan view and blend with adjacent topography to a reasonable extent;

3558 5. Where excavation has penetrated the seasonal or permanent water table
3559 creating a water body or wetland:

3560 a. All side slopes below the permanent water table and banks shall be graded
3561 or shaped as to not constitute a safety hazard;

3562 b. Natural features and plantings to provide beneficial wetland functions and
3563 promote wildlife habitat shall be provided; and

3564 c. Appropriate drainage controls shall be provided to stabilize the water level
3565 and not create potential flooding hazards;

3566 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,
3567 shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the
3568 surrounding area and appropriate for the soil, moisture and exposure conditions;

3569 7. Waste or soil piles shall be used for grading, backfilling or surfacing if
3570 permissible under this section, then covered with topsoil and planted in accordance with
3571 subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill
3572 in accordance with this chapter or as top soil in accordance with subsection C.3. of this
3573 section shall be removed from the site; and

8. Where excavation has exposed natural materials that may create polluting conditions, including, but not limited to, acid-forming coals and metalliferous rock or soil, such conditions shall be addressed to the satisfaction of the department. The final ground surface shall be graded so that surface water drains away from any such materials remaining on the site.

D. The department may modify any requirement of this section when not applicable or if it conflicts with an approved subsequent use for the site.

SECTION 63. Ordinance 15032, Section 34, and K.C.C. 21A.22.085 are hereby amended to read as follows:

The applicant shall mitigate adverse impacts resulting from the ~~((extraction or processing operations))~~ use regulated under this chapter and monitor to demonstrate compliance with this chapter.

SECTION 64. Sections 65 and 66 of this ordinance should constitute a new chapter in K.C.C. Title 21A.

NEW SECTION. SECTION 65. Within the sea level rise risk area the following standards apply:

A. All new, substantially improved, or converted residential or nonresidential buildings shall be elevated on pilings and columns in a manner consistent with applicable floodplain development standards in this title, K.C.C. Title 16, the Federal Emergency Management Agency Coastal Construction Manual and other applicable requirements, and in a manner that provides the following, at a minimum:

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

3597 elevation;

3598 2. The pile or column foundation and building attached thereto is anchored to
3599 resist flotation, collapse and lateral movement due to the effects of flood water, wind and
3600 other loads as prescribed in this title acting simultaneously on all building components.
3601 Wind and water loading values shall each have a one percent chance of being equaled or
3602 exceeded in any given year; and

3603 3. All building utilities are elevated to or above the flood protection elevation.

3604 B. A registered professional engineer licensed by the state of Washington shall
3605 prepare the structural design, specifications and plans for the building, and shall certify
3606 that the design and methods of construction to be used are in accordance with accepted
3607 standards of practice for meeting the provisions of subsection A. of this section, including
3608 applicable floodplain development standards in this title, K.C.C. Title 16, the Federal
3609 Emergency Management Agency Coastal Construction Manual and other applicable
3610 requirements;

3611 C. The applicant shall provide a complete Federal Emergency Management
3612 Agency elevation certificate on the most current version of the form completed by a land
3613 surveyor licensed by the state of Washington documenting the elevation of the bottom of
3614 the lowest structural member of the lowest floor, excluding pilings and columns, of all
3615 new and substantially improved buildings and additions affixed to the side of a building.
3616 The elevation certificate should note whether or not the buildings contain a basement.
3617 The department shall maintain the Federal Emergency Management Agency elevation
3618 certificates required by this section for public inspection and for certification under the
3619 National Flood Insurance Program;

3620 D. All new buildings and substantial improvements to existing buildings shall
3621 maintain the space below the lowest floor free of obstruction. Breakaway walls are
3622 prohibited. The space can include nonsupporting open wood lattice-work or insect
3623 screening that is intended to collapse under wind and wave loads without causing
3624 collapse, displacement or other structural damage to the elevated portion of the building
3625 or supporting foundation system. The space below the lowest floor can be used only for
3626 parking of vehicles, building access or limited storage of readily removable items. The
3627 space shall not be used for human habitation;

3628 E. Fill for structural support of buildings is prohibited;

3629 F. All manufactured homes to be placed or substantially improved within the sea
3630 level rise risk area shall meet the standards in subsections A. through E. of this section;
3631 and

3632 G. The department shall provide notice to all applicants for new development or
3633 redevelopment located within the sea level rise risk area that the development may be
3634 impacted by sea level rise and recommend that the applicant voluntarily consider setting
3635 the development back further than required by this title to allow for future sea level rise.

3636 NEW SECTION. SECTION 66.

3637 A. The director may approve sea level rise risk area variances to this chapter. In
3638 reviewing and evaluating sea level rise risk area variance applications, the director shall
3639 consider all technical evaluations and relevant factors, including, but not limited to:

3640 1. The danger that materials may be swept onto other lands to the injury of

3641 others;

3642 2. The danger to life and property due to coastal flooding or erosion damage;

3643 3. The susceptibility of the proposed building or facility and its contents to flood
3644 damage and the effect of the damage on the individual owner;

3645 4. The importance of the services provided by the proposed building or facility
3646 to the community;

3647 5. The necessity to the building or facility of a waterfront location;

3648 6. The availability of alternative locations for the proposed use that are not
3649 subject to flooding or erosion damage;

3650 7. The potential of the proposed development to create an adverse effect on a
3651 federally or state-protected species or habitat;

3652 8. The compatibility of the proposed use with existing and anticipated
3653 development;

3654 9. The relationship of the proposed use to the Comprehensive Plan, shoreline
3655 master program and flood hazard management plan;

3656 10. The safety of access to the property in times of flooding for ordinary and
3657 emergency vehicles;

3658 11. The expected heights, velocity, duration, rate of rise, sediment transport of
3659 the floodwaters and effects of wave action expected at the site;

3660 12. The costs of providing governmental services during and after flood
3661 conditions, including emergency management services and maintenance and repair of
3662 public utilities and facilities such as sewer, gas, electrical, water systems, streets and
3663 bridges; and

3664 13. Current and future risks from sea level rise conditions anticipated to occur
3665 over the next fifty years.

3666 B. The director may only approve a sea level rise risk area variance upon a
3667 determination that:

3668 1. Failure to grant the sea level rise risk area variance would result in an
3669 exceptional hardship to the applicant;

3670 2. The granting of a sea level rise risk area variance will not result in additional
3671 threats to public safety, extraordinary public expense, create nuisances, cause fraud on or
3672 victimization of the public or conflict with existing laws or ordinances; and

3673 3. The sea level rise risk area variance is the minimum necessary, considering
3674 the flood or erosion hazard, to afford relief.

3675 C. An applicant for sea level rise risk area variance shall be given a written notice
3676 that the approval of the sea level rise risk area variance to construct a structure below the
3677 sea level rise protection elevation established in this chapter in may result in higher future
3678 flood insurance premium rates up to amounts as high as twenty-five dollars per one
3679 hundred dollars of coverage and that the construction below the sea level rise protection
3680 elevation increases risks to life and property.

3681 D.1. An application for a sea level rise risk area variance shall be submitted in
3682 writing to the department of local services, permitting division, together with any
3683 supporting documentation that demonstrates how the proposal meets the criteria in this
3684 section.

3685 2. An application for a sea level rise risk area variance under this section shall
3686 be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

3687 3. Sea level rise risk area variances that allow the establishment of a use not
3688 otherwise permitted in the zone where the proposal is located shall not be permitted.

4. The variance standards in K.C.C. 21A.44.030 and the alteration exception standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk area regulations of this chapter.

5. The department shall maintain in perpetuity a record of all requests for variances, including justification for their issuance.

SECTION 67. Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are hereby amended to read as follows:

A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during review of an application for a single detached dwelling unit, the director may approve an alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated buffer, landslide hazard area and associated buffer and critical area setback as follows:

1. There is no feasible alternative to the development proposal with less adverse impact on the critical area;

2. The alteration is the minimum necessary to accommodate residential use of the property;

3. The approval does not require the modification of a critical area development standard established by this chapter;

4. The development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

5. No more than five thousand square feet or ten percent of the site, whichever is greater, are disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway

or for an on-site sewage disposal system. For purposes of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area;

6. The applicant submits an approved rural stewardship plan or forest stewardship plan prepared in accordance with this chapter that addresses the development proposal and the proposed use of the property; and

7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

B. The applicant for the waiver of the alteration exception process shall submit any critical areas studies, alternatives analysis and other documents requested by the department following a preapplication review meeting.

C. Within fourteen calendar days after the department determines the application under this section is complete, it shall provide written mailed notice of the proposed alteration as provided in K.C.C. (~~(20.20.080.H)~~) 20.20.060.H.

D. The department shall allow twenty-one calendar days for comment before making a decision on the request under this section. The department's decision shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for the decision and, if approved, shall include any required mitigation or conditions.

SECTION 68. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. Except as provided in subsection D. of this section, unless allowed as an

3735 alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.
3736 21A.24.045 are allowed within a steep slope hazard area;

3737 B. A buffer is required from all edges of the steep slope hazard area. To
3738 eliminate or minimize the risk of property damage or injury resulting from slope
3739 instability, landsliding or erosion caused in whole or part by the development, the
3740 department shall determine the size of the buffer based upon a critical area report
3741 prepared by a geotechnical engineer or geologist. The department of local services shall
3742 adopt a public rule to implement this subsection, including implementing the
3743 requirements for development and review of a critical area report.

3744 1. For new structures and substantial improvements to existing structures on
3745 sites where any portion of the steep slope hazard area extends into the coastal high hazard
3746 area or sea level rise risk area:

3747 ~~((If a))~~ a. The critical area report shall include an assessment of current and
3748 future risks of sea level rise conditions anticipated to occur over the next fifty years and a
3749 recommended buffer;

3750 b. If a critical area report is not submitted to the department, the minimum
3751 buffer shall be seventy-five feet;

3752 2. For all other development not identified in subsection B.1.:

3753 a. If a critical area report is not submitted to the department, the minimum
3754 buffer ~~((is))~~ shall be fifty feet~~((-))~~; and

3755 b. For building permits for single detached dwelling units only, the department
3756 may waive the special study requirement and authorize buffer reductions if the
3757 department determines that the reduction will adequately protect the proposed

3758 development and the critical area; (~~and~~)

3759 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3760 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is
3761 prohibited; and

3762 D. All alterations are allowed in the following circumstance:

3763 1. Slopes which are forty percent or steeper with a vertical elevation change of
3764 up to twenty feet if no adverse impact will result from the exemption based on King
3765 County's review of and concurrence with a soils report prepared by a geologist or
3766 geotechnical engineer; and

3767 2. The approved regrading of any slope which was created through previous
3768 legal grading activities. Any slope which remains forty percent or steeper following site
3769 development shall be subject to all requirements for steep slopes.

3770 SECTION 69. Ordinance 15051, Section 179, as amended, and K.C.C.

3771 21A.24.316 are hereby amended to read as follows:

3772 The following development standards apply to development proposals and
3773 alterations on sites containing critical aquifer recharge areas:

3774 A. Except as otherwise provided in subsection H. of this section, the following
3775 new development proposals and alterations are not allowed on a site located in a category
3776 I critical aquifer recharge area:

3777 1. Transmission pipelines carrying petroleum or petroleum products;

3778 2. Sand and gravel, and hard rock mining unless:

3779 a. the site has mineral zoning as of January 1, 2005; or

3780 b. mining is a permitted use on the site and the critical aquifer recharge area

3781 was mapped after the date a complete application for mineral extraction on the site was
3782 filed with the department;

3783 3. Mining of any type below the upper surface of the saturated ground water that
3784 could be used for potable water supply;

3785 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3786 5. Hydrocarbon extraction;

3787 6. Commercial wood treatment facilities on permeable surfaces;

3788 7. Underground storage tanks, including tanks that are exempt from the
3789 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter
3790 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.
3791 Title 17;

3792 8. Above-ground storage tanks for hazardous substances, as defined in chapter
3793 70.105 RCW, unless protected with primary and secondary containment areas and a spill
3794 protection plan;

3795 9. Golf courses;

3796 10. Cemeteries;

3797 11. Wrecking yards;

3798 12. Landfills for hazardous waste, municipal solid waste or special waste, as
3799 defined in K.C.C. chapter 10.04; and

3800 13. On lots smaller than one acre, an on-site septic system, unless:

3801 a. the system is approved by the Washington state Department of Health and
3802 has been listed by the Washington State Department of Health as meeting treatment
3803 standard N as provided in WAC chapter 426-((172A))272A; or

3804 b. the Seattle-King County department of public health determines that the
3805 systems required under subsection A.13.a. of this section will not function on the site.

3806 B. Except as otherwise provided in subsection H. of this section, the following
3807 new development proposals and alterations are not allowed on a site located in a category
3808 II critical aquifer recharge area:

3809 1. Mining of any type below the upper surface of the saturated ground water that
3810 could be used for potable water supply;

3811 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3812 3. Hydrocarbon extraction;

3813 4. Commercial wood treatment facilities located on permeable surfaces;

3814 5.a. Except for a category II critical aquifer recharge area located over an
3815 aquifer underlying an island that is surrounded by saltwater, underground storage tanks
3816 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the
3817 requirements of chapter 173-360 WAC and K.C.C. Title 17; and

3818 b. For a category II critical aquifer recharge area located over an aquifer
3819 underlying an island that is surrounded by saltwater, underground storage tanks,
3820 including underground storage tanks exempt from the requirements of chapter 173-360
3821 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply
3822 with the standards in chapter 173-360 WAC and K.C.C. Title 17;

3823 6. Above-ground storage tanks for hazardous substances, as defined in chapter
3824 70.105 RCW, unless protected with primary and secondary containment areas and a spill
3825 protection plan;

3826 7. Wrecking yards;

3827 8. Landfills for hazardous waste, municipal solid waste, or special waste, as
3828 defined in K.C.C. chapter 10.04; and

3829 9. On lots smaller than one acre, an on-site septic systems, unless:

3830 a. the system is approved by the Washington state Department of Health and
3831 has been listed by the Washington state Department of Health as meeting treatment
3832 standard N as provided in WAC chapter 426-~~((172A))~~272A; or

3833 b. the Seattle-King County department of public health determines that the
3834 systems required under subsection B.9.a. of this section will not function on the site.

3835 C. Except as otherwise provided in subsection H. of this section, the following
3836 new development proposals and alterations are not allowed on a site located in a category
3837 III critical aquifer recharge area:

3838 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3839 2. Hydrocarbon extraction;

3840 3. Commercial wood treatment facilities located on permeable surfaces;

3841 4. Underground storage tanks, including tanks exempt from the requirements of
3842 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,
3843 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;

3844 5. Above ground storage tanks for hazardous substances, as defined in chapter
3845 70.105 RCW, unless protected with primary and secondary containment areas and a spill
3846 protection plan;

3847 6. Wrecking yards; and

3848 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
3849 defined in K.C.C. chapter 10.04.

3850 D. The following standards apply to development proposals and alterations that
3851 are substantial improvements on a site located in a critical aquifer recharge area:

3852 1. The owner of an underground storage tank, including a tank that is exempt
3853 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge
3854 area or a category II critical aquifer recharge area located over an aquifer underlying ~~((an~~
3855 ~~island that is surrounded by saltwater))~~ Vashon-Maury Island shall either bring the tank
3856 into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly
3857 decommission or remove the tank; and

3858 2. The owner of an underground storage tank in a category II critical aquifer
3859 recharge area not located on located over an aquifer underlying ~~((an island that is~~
3860 ~~surrounded by saltwater))~~ Vashon-Maury Island shall bring the tank into compliance with
3861 the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly
3862 decommission or remove the tank.

3863 E. In any critical aquifer recharge area, the property owner shall properly
3864 decommission an abandoned well.

3865 F. On a site located in a critical aquifer recharge area within the urban growth
3866 area, a development proposal for new residential development, including, but not limited
3867 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management
3868 practices included in the King County Surface Water Design Manual into the site design
3869 in order to infiltrate stormwater runoff to the maximum extent practical.

3870 G. ~~((On an island surround by saltwater,))~~ For critical aquifer recharge areas on
3871 Vashon-Maury Island:

3872 1. No new groundwater wells are permitted within a coastal high hazard area. A

rainwater catchment system may be used as an alternative water supply source for a single family residence if the requirements of K.C.C. 13.04.070 are met;

2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3. ~~((†))~~The owner of a new well located within ~~((two hundred feet of the ordinary high water mark of the marine shoreline and within a critical aquifer recharge area))~~ the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health. The owner shall report the results of the test to Seattle-King County department of public health and to the department of natural resources and parks. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with Seattle-King County department of public health, shall recommend appropriate measures in addition to the minimum requirements of this title to prevent saltwater intrusion.

H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B. and C. of this section if the applicant demonstrates through a critical area~~((s))~~ report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will not cause a significant adverse environmental impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks has been submitted to and approved by the Washington state department of ecology, in

3896 accordance with 90.76.040 RCW and WAC 173-360-530.

3897 SECTION 70. Ordinance 15051, Section 185, as amended, and K.C.C.

3898 21A.24.325 are hereby amended to read as follows:

3899 A. Except as otherwise provided in this section, buffers shall be provided from the
3900 wetland edge as follows:

3901 1. The buffers shown on the following table apply unless modified in accordance
3902 with subsections B., C., D. and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Wetlands of High Conservation Value	250 feet	190 feet	125 feet
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet

Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	50 feet	40 feet	25 feet

3903 2. For purposes of this subsection A., unless the director determines a lesser level
3904 of impact is appropriate based on information provided by the applicant, the intensity of
3905 impact of the adjacent land use is determined as follows:

3906 a. High impact includes:

3907 (1) sites zoned commercial or industrial;

3908 (2) commercial, institutional or industrial use on a site regardless of the
3909 zoning (~~((designation))~~) classification;

3910 (3) nonresidential use on a site zoned for residential use;

3911 (4) high-intensity active recreation use on a site regardless of zoning, such as
3912 golf courses, ball fields and similar use;

3913 (5) all sites within the Urban Growth Area; or

3914 (6) Residential zoning greater than one dwelling unit per acre;

3915 b. Moderate impact includes:

3916 (1) residential uses on sites zoned residential one dwelling unit per acre or less;

3917 (2) residential use on a site zoned rural area, agriculture or forestry;

3918 (3) agricultural uses without an approved farm management plan;

3919 (4) utility corridors or right-of-way shared by several utilities, including
3920 maintenance roads; or

3921 (5) moderate-intensity active recreation or open space use, such as paved trails,
3922 parks with biking, jogging and similar use; and

3923 c. Low impact includes:

3924 (1) forestry use on a site regardless of zoning (~~((designation))~~) classification;

3925 (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing
3926 and camping areas, and other similar uses that do not require permanent structures, on a site
3927 regardless of zoning;

3928 (3) agricultural uses carried out in accordance with an approved farm
3929 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.
3930 21A.24.045.D.54.; or

3931 (4) utility corridors without a maintenance road and little or no vegetation
3932 maintenance.

3933 B. The department may approve a modification of the minimum buffer width
3934 required by this section by averaging the buffer width if:

3935 1. The department determines that:

3936 a. the buffer averaging will improve wetland protection if the wetland has
3937 significant differences in characteristics that effect habitat functions, such as a wetland with
3938 a forested component adjacent to a degraded emergent component or a "dual-rated"
3939 wetland with a Category I area adjacent to a lower-rated area; or

3940 b. averaging includes the corridors of a wetland complex; and

3941 2. The resulting buffer meets the following standards:

3942 a. the total area of the buffer after averaging is equivalent to or greater than the
3943 area of the buffer before averaging;

3944 b. the additional buffer is contiguous with the standard buffer;

3945 c. the buffer at its narrowest point is never less than either seventy-five percent
3946 of the required width or seventy-five feet for Category I and II, fifty feet for Category III,
3947 and twenty-five feet for Category IV, whichever is greater;

3948 d. the averaged buffer will not result in degradation of wetland functions and
3949 values as demonstrated by a critical area((s)) report from a qualified wetland professional;
3950 and

3951 e. the buffer is increased adjacent to the higher functioning area of habitat or
3952 more sensitive portion of the wetland and decreased adjacent to the lower-functioning or
3953 less-sensitive portion as demonstrated by a critical area((s)) report from a qualified wetland
3954 professional.

3955 C. Wetland buffer widths shall also be subject to modifications under the following
3956 special circumstances:

3957 1. For wetlands containing documented habitat for endangered, threatened or
3958 species of local importance, the following shall apply:

3959 a. the department shall establish the appropriate buffer, based on a habitat
3960 assessment, to ensure that the buffer provides adequate protection for the sensitive species;
3961 and

3962 b. the department may apply the buffer reduction rules in subsection C.6. of this
3963 section and the buffer averaging rules in subsection B. of this section;

3964 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard
3965 area, the buffer width is the greater of the buffer width required by the wetland's category
3966 in this section or the top of the hazard area;

3967 3. For a wetland complex located outside the Urban Growth Area established by
3968 the King County Comprehensive Plan or located within the Urban Growth Area in a basin
3969 designated as "high" on the Basin and Shoreline Conditions Map, which is included as
3970 Attachment A to Ordinance 15051, the buffer width is determined as follows:

3971 a. the buffer width for each individual wetland in the complex is the same width
3972 as the buffer width required for the category of wetland;

3973 b. if the buffer of a wetland within the complex does not touch or overlap with at
3974 least one other wetland buffer in the complex, a corridor is required from the buffer of that
3975 wetland to one other wetland buffer in the complex considering the following factors:

3976 (1) the corridor is designed to support maintaining viable wildlife species that
3977 are commonly recognized to exclusively or partially use wetlands and wetland buffers
3978 during a critical life cycle stage, such as breeding, rearing or feeding;

3979 (2) the corridor minimizes fragmentation of the wetlands;

3980 (3) higher category wetlands are connected through corridors before lower
3981 category wetlands; and

3982 (4) the corridor width is a least twenty-five percent of the length of the corridor,
3983 but no less than twenty-five feet in width; and

3984 (5) shorter corridors are preferred over longer corridors;

3985 c. wetlands in a complex that are connected by an aquatic area that flows
3986 between the wetlands are not required to be connected through a corridor;

3987 d. the department may exclude a wetland from the wetland complex if the
3988 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
3989 that are commonly recognized to exclusively or partially use wetlands and wetland buffers
3990 during a critical life cycle stage, such as breeding, rearing or feeding; and

3991 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed
3992 in corridors subject to the same conditions and requirements as wetland buffers as long as
3993 the alteration is designed so as not to disrupt wildlife movement through the corridor;

3994 4. Where a legally established roadway transects a wetland buffer, the department
3995 may approve a modification of the minimum required buffer width to the edge of the
3996 roadway if the part of the buffer on the other side of the roadway sought to be reduced:
3997 a. does not provide additional protection of the proposed development or the
3998 wetland; and
3999 b. provides insignificant biological, geological or hydrological buffer functions
4000 relating to the other portion of the buffer adjacent to the wetland;
4001 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the
4002 buffer widths shall be established under the rural stewardship plan and shall not exceed the
4003 standard for a low impact land use, unless the department determines that a larger buffer is
4004 necessary to achieve no net loss of wetland ecological function; and
4005 6. The buffer widths required for proposed land uses with high intensity impacts
4006 to wetlands can be reduced to those required for moderate intensity impacts under the
4007 following conditions:
4008 a. For wetlands that score moderate or high for habitat, which means six points
4009 or higher, the width of the buffer can be reduced if both of the following criteria are met:
4010 (1) A relatively undisturbed vegetated corridor at least one-hundred feet wide
4011 is protected between the wetland and any other Priority Habitats as defined by the
4012 Washington state Department of Fish and Wildlife in the priority habitat and species list.
4013 The corridor must be protected for the entire distance between the wetland and the
4014 priority habitat and legally recorded via a conservation easement; and
4015 (2) Measures to minimize the impacts of different land uses on wetlands as
4016 identified in subsection C.6.b. of this section are applied; and

4017 b. For wetlands that score low for habitat, which means less than six points, the
 4018 buffer width can be reduced to that required for moderate intensity impacts by applying
 4019 measures to minimize impacts of the proposed land uses, as follows:

Disturbance	Measures to minimize impacts
Lights	Direct lights away from wetland.
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.

Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.

4020 D. The department may approve a modification to the buffers established in
4021 subsection A. of this section if the wetland was created or its characterization was upgraded
4022 as part of a voluntary enhancement or restoration project.

4023 E. If the site is located within the shoreline jurisdiction, the department shall
4024 determine that a proposal to reduce wetland buffers under this section will result in no net
4025 loss of shoreline ecological functions.

4026 SECTION 71. Ordinance 3688, Section 303, as amended, and K.C.C.
4027 21A.25.050 are hereby amended to read as follows:

4028 A. The requirements of the shoreline master program apply to all uses and
4029 development occurring within the shoreline jurisdiction. The King County shoreline
4030 jurisdiction consists of shorelines, shorelines of statewide significance, and shorelands as
4031 defined in RCW 90.58.030 and K.C.C. chapter 21A.06, and the one-hundred-year
4032 floodplain.

4033 B. The shoreline jurisdiction does not include tribal reservation lands and lands
4034 held in trust by the federal government for tribes. Nothing in the King County shoreline
4035 master program or action taken under that program shall affect any treaty right to which
4036 the United States is a party.

4037 C. The lakes and segments of rivers and streams constituting the King County

4038 shoreline jurisdiction are set forth in Attachment ((K)) H to ((Ordinance 17485)) this
4039 ordinance. The King County shoreline jurisdiction is shown on a map adopted in chapter
4040 6 of the King County Comprehensive Plan. If there is a discrepancy between the map
4041 and the criteria established in subsection A. of this section, the criteria shall constitute the
4042 official King County shoreline jurisdiction. The county shall update the shoreline master
4043 program to reflect the new designation within three years of the discovery of the
4044 discrepancy.

4045 SECTION 72. Ordinance 10870, Section 536, as amended, and K.C.C.
4046 21A.30.080 are hereby amended to read as follows:

4047 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one
4048 or more home occupations as accessory activities, only if:

4049 A. The total floor area of the dwelling unit devoted to all home occupations shall
4050 not exceed twenty percent of the floor area of the dwelling unit.

4051 B. Areas within garages and storage buildings shall not be considered part of the
4052 dwelling unit and may be used for activities associated with the home occupation;

4053 C. All the activities of the home occupation or occupations shall be conducted
4054 indoors, except for those related to growing or storing of plants used by the home
4055 occupation or occupations;

4056 D. A home occupation or occupations is not limited in the number of employees
4057 that remain off-site. No more than one nonresident employee shall be permitted to work
4058 on-site for the home occupation or occupations;

E. The following uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:

1. Automobile, truck and heavy equipment repair;
2. Auto body work or painting;
3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;
5. Hotels, motels or organizational lodging;
6. Dry cleaning;
7. Towing services;
8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in home occupation;
9. Veterinary clinic; and
10. Recreational marijuana processor, recreational marijuana producer or recreational marijuana retailer(~~(; and~~
- ~~11. Winery, brewery, distillery facility I, II and III, and remote tasting room, except that home occupation adult beverage businesses operating under an active Washington state Liquor and Cannabis Board production license issued for their current location before December 31, 2019, and where King County did not object to the location during the Washington state Liquor and Cannabis Board license application process, shall be considered legally nonconforming and allowed to remain in their current location subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of December 31, 2019. Such nonconforming businesses shall remain subject~~

4082 ~~to all other requirements of this section and other applicable state and local regulations.~~

4083 ~~The resident operator of a nonconforming winery, brewery or distillery home occupation~~

4084 ~~shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74));~~

4085 F. In addition to required parking for the dwelling unit, on-site parking is provided
4086 as follows:

4087 1. One stall for each nonresident employed by the home occupations; and

4088 2. One stall for patrons when services are rendered on-site;

4089 G. Sales are limited to:

4090 1. Mail order sales;

4091 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

4092 and

4093 3. Items accessory to a service provided to patrons who receive services on the
4094 premises;

4095 H. On-site services to patrons are arranged by appointment;

4096 I. The home occupation or occupations use or store a vehicle for pickup of
4097 materials used by the home occupation or occupations or the distribution of products from
4098 the site, only if:

4099 1. No more than one such a vehicle is allowed; and

4100 2. The vehicle is not stored within any required setback areas of the lot or on
4101 adjacent streets; and

4102 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one
4103 ton;

4104 J. The home occupation or occupations do not:

4105 1. Use electrical or mechanical equipment that results in a change to the
4106 occupancy type of the structure or structures used for the home occupation or occupations;
4107 or

4108 2. Cause visual or audible interference in radio or television receivers, or
4109 electronic equipment located off-premises or fluctuations in line voltage off-premises;

4110 K. There shall be no exterior evidence of a home occupation, other than growing or
4111 storing of plants under subsection C. of this section or a permitted sign, that would cause
4112 the premises to differ from its residential character. Exterior evidence includes, but is not
4113 limited to, lighting, the generation or emission of noise, fumes or vibrations as determined
4114 by using normal senses from any lot line or on average increase vehicular traffic by more
4115 than four additional vehicles at any given time;

4116 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
4117 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

4118 M. Uses not allowed as home occupations may be allowed as a home industry
4119 under K.C.C. 21A.30.090.

4120 SECTION 73. Ordinance 15606, Section 20, as amended, and K.C.C.
4121 21A.30.085 are hereby amended to read as follows:

4122 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
4123 home occupations as accessory activities, under the following provisions:

4124 A. The total floor area of the dwelling unit devoted to all home occupations shall
4125 not exceed twenty percent of the dwelling unit.

4126 B. Areas within garages and storage buildings shall not be considered part of the
4127 dwelling unit and may be used for activities associated with the home occupation;

4128 C. Total outdoor area of all home occupations shall be permitted as follows:

4129 1. For any lot less than one acre: Four hundred forty square feet; and

4130 2. For lots one acre or greater: One percent of the area of the lot, up to a

4131 maximum of five thousand square feet.

4132 D. Outdoor storage areas and parking areas related to home occupations shall be:

4133 1. No less than twenty-five feet from any property line; and

4134 2. Screened along the portions of such areas that can be seen from an adjacent

4135 parcel or roadway by the:

4136 a. planting of Type II landscape buffering; or

4137 b. use of existing vegetation that meets or can be augmented with additional

4138 plantings to meet the intent of Type II landscaping;

4139 E. A home occupation or occupations is not limited in the number of employees

4140 that remain off-site. Regardless of the number of home occupations, the number of

4141 nonresident employees is limited to no more than three who work on-site at the same time

4142 and no more than three who report to the site but primarily provide services off-site;

4143 F. In addition to required parking for the dwelling unit, on-site parking is provided

4144 as follows:

4145 1. One stall for each nonresident employed on-site; and

4146 2. One stall for patrons when services are rendered on-site;

4147 G. Sales are limited to:

4148 1. Mail order sales;

4149 2. Telephone, Internet or other electronic commerce sales with off-site delivery;

4150 3. Items accessory to a service provided to patrons who receive services on the
4151 premises;

4152 4. Items grown, produced or fabricated on-site; and

4153 5. On sites five acres or larger, items that support agriculture, equestrian or
4154 forestry uses except for the following:

4155 a. motor vehicles and parts (North American Industrial Classification System
4156 ("NAICS" Code 441);

4157 b. electronics and appliances (NAICS Code 443); and

4158 c. building material and garden equipments and supplies (NAICS Code 444);

4159 H. The home occupation or occupations do not:

4160 1. Use electrical or mechanical equipment that results in a change to the
4161 occupancy type of the structure or structures used for the home occupation or occupations;

4162 2. Cause visual or audible interference in radio or television receivers, or
4163 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

4164 3. Increase average vehicular traffic by more than four additional vehicles at any
4165 given time;

4166 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
4167 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

4168 J. The following uses, by the nature of their operation or investment, tend to
4169 increase beyond the limits permitted for home occupations. Therefore, the following shall
4170 not be permitted as home occupations:

4171 1. Hotels, motels or organizational lodging;

4172 2. Dry cleaning;

4173 3. Automotive towing services, automotive wrecking services and tow-in parking
4174 lots; and

4175 4. Recreational marijuana processor, recreational marijuana producer or
4176 recreational marijuana retailer(~~(; and~~

4177 ~~5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms,~~
4178 ~~except that home occupation adult beverage businesses operating under an active~~
4179 ~~Washington state Liquor and Cannabis Board production license issued for their current~~
4180 ~~location before December 31, 2019, and where King County did not object to the location~~
4181 ~~during the Washington state Liquor and Cannabis Board license application process, shall~~
4182 ~~be considered legally nonconforming and allowed to remain in their current location~~
4183 ~~subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this~~
4184 ~~section as of December 31, 2019. Such nonconforming businesses shall remain subject~~
4185 ~~to all other requirements of this section and all applicable state and local regulations. The~~
4186 ~~resident operator of a nonconforming home occupation winery, brewery or distillery shall~~
4187 ~~obtain an adult beverage business license in accordance with K.C.C. chapter 6.74));~~

4188 K. Uses not allowed as home occupation may be allowed as a home industry under
4189 K.C.C. chapter 21A.30; and

4190 L. The home occupation or occupations may use or store vehicles, as follows:

4191 1. The total number of vehicles for all home occupations shall be:

4192 a. for any lot five acres or less: two;

4193 b. for lots greater than five acres: three; and

4194 c. for lots greater than ten acres: four;

4195 2. The vehicles are not stored within any required setback areas of the lot or on
4196 adjacent streets; and

4197 3. The parking area for the vehicles shall not be considered part of the outdoor
4198 storage area provided for in subsection C. of this section.

4199 SECTION 74. Ordinance 10870, Section 537, as amended, and K.C.C.

4200 21A.30.090 are hereby amended to read as follows:

4201 A resident may establish a home industry as an accessory activity, as follows:

4202 A. The site area is one acre or greater;

4203 B. The area of the dwelling unit used for the home industry does not exceed fifty
4204 percent of the floor area of the dwelling unit.

4205 C. Areas within attached garages and storage buildings shall not be considered part
4206 of the dwelling unit for purposes of calculating allowable home industry area but may be
4207 used for storage of goods associated with the home industry;

4208 D. No more than six nonresidents who work on-site at the time;

4209 E. In addition to required parking for the dwelling unit, on-site parking is provided
4210 as follows:

4211 1. One stall for each nonresident employee of the home industry; and

4212 2. One stall for customer parking;

4213 F. Additional customer parking shall be calculated for areas devoted to the home
4214 industry at the rate of one stall per:

4215 1. One thousand square feet of building floor area; and

4216 2. Two thousand square feet of outdoor work or storage area;

4217 G. Sales are limited to items produced on-site, except for items collected, traded
4218 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

4219 H. Ten feet of Type I landscaping are provided around portions of parking and
4220 outside storage areas that are otherwise visible from adjacent properties or public rights-of-
4221 way;

4222 I. The department ensures compatibility of the home industry by:

4223 1. Limiting the type and size of equipment used by the home industry to those that
4224 are compatible with the surrounding neighborhood;

4225 2. Providing for setbacks or screening as needed to protect adjacent residential
4226 properties;

4227 3. Specifying hours of operation;

4228 4. Determining acceptable levels of outdoor lighting; and

4229 5. Requiring sound level tests for activities determined to produce sound levels
4230 that may be in excess of those in K.C.C. chapter 12.88; and

4231 J. Recreational marijuana processors, recreational marijuana producers and
4232 recreational marijuana retailers shall not be allowed as home industry(~~(; and~~

4233 ~~K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall~~
4234 ~~not be allowed as home industry, except that home industry adult beverage businesses~~
4235 ~~that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit~~
4236 ~~application before December 31, 2019, shall be considered legally nonconforming and~~
4237 ~~allowed to remain in their current location subject to K.C.C. 21A.32.020 through~~
4238 ~~21A.32.075. Such nonconforming businesses remain subject to all other requirements of~~
4239 ~~this section and all applicable state and local regulations. The resident operator of a~~

4240 ~~nonconforming winery, brewery or distillery home industry shall obtain an adult~~
4241 ~~beverage business license in accordance with K.C.C. chapter 6.74)).~~

4242 SECTION 75. Ordinance 10870, Section 539, as amended, and K.C.C.
4243 21A.32.020 are hereby amended to read as follows:

4244 A. ~~((With the exception of))~~ This chapter shall apply to all nonconformances,
4245 except:

4246 1. ~~((n))~~Nonconforming ~~((extractive))~~ operations ~~((identified in))~~ regulated by
4247 K.C.C. chapter 21A.22~~((, all nonconformances shall be subject to the provisions of this~~
4248 ~~chapter)))~~; and

4249 2. Fossil fuel facilities regulated by K.C.C. 21A.08.100.

4250 B. This chapter does not supersede or relieve a property owner from compliance
4251 with((:

4252 1. ~~The International Building and Fire Codes; or~~

4253 2. ~~The provisions of this code beyond the specific nonconformance addressed by~~
4254 ~~this chapter))~~ local, state and federal regulations and laws that apply to the property and
4255 structures and uses thereon.

4256 SECTION 76. Ordinance 10870, Section 547, as amended, and K.C.C.

4257 21A.32.100 are hereby amended to read as follows:

4258 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
4259 required for any of the following:

4260 A. A use not otherwise permitted in the zone that can be made compatible for a
4261 period of up to sixty days a year; or

4262 B. The expansion of an established use that:

- 4263 1. Is otherwise allowed in the zone;
- 4264 2. Is not inconsistent with the original land use approval;
- 4265 3. Exceeds the scope of the original land use approval; and
- 4266 4. Can be made compatible with the zone for a period of up to sixty days a
- 4267 year(~~or~~
- 4268 ~~C. Events at a winery, brewery, distillery facility or remote tasting room that~~
- 4269 ~~include one or more of the following activities:~~
- 4270 ~~1. Exceeds the permitted building occupancy;~~
- 4271 ~~2. Utilizes portable toilets;~~
- 4272 ~~3. Utilizes parking that exceeds the maximum number of spaces allowed by this~~
- 4273 ~~title on-site or utilizes off-site parking;~~
- 4274 ~~4. Utilizes temporary stages;~~
- 4275 ~~5. Utilizes temporary tents or canopies that require a permit;~~
- 4276 ~~6. Requires traffic control for public rights of way; or~~
- 4277 ~~7. Extends beyond allowed hours of operation)).~~

4278 SECTION 77. Ordinance 10870, Section 548, as amended, and K.C.C.

4279 21A.32.110 are hereby amended to read as follows:

4280 A. The following uses shall be exempt from requirements for a temporary use

4281 permit when located in the RB, CB, NB, O or I zones for the time period specified below:

- 4282 1. Uses not to exceed a total of thirty days each calendar year:
- 4283 a. Christmas tree lots;
- 4284 b. Fireworks stands; and
- 4285 c. Produce stands.

4286 2. Uses not to exceed a total of fourteen days each calendar year:

4287 a. Amusement rides, carnivals or circuses;

4288 b. Community festivals; and

4289 c. Parking lot sales.

4290 B. Any use not exceeding a cumulative total of two days each calendar year shall

4291 be exempt from requirements for a temporary use permit.

4292 C. Any community event held in a park and not exceeding a period of seven days

4293 shall be exempt from requirements for a temporary use permit.

4294 D. Christmas tree sales not exceeding a total of 30 days each calendar year when

4295 located on Rural Area (RA) zoned property with legally established non-residential uses

4296 shall be exempt from requirements for a temporary use permit.

4297 ~~((E.1. Events at a winery, brewery, distillery facility II or III shall not require a~~

4298 ~~temporary use permit if:~~

4299 ~~a. The business is operating under an active Washington state Liquor and~~

4300 ~~Cannabis Board production license issued for their current location before December 31,~~

4301 ~~2019, and where King County did not object to the location during the Washington state~~

4302 ~~Liquor and Cannabis Board license application process;~~

4303 ~~b. The parcel is at least eight acres in size;~~

4304 ~~c. The structures used for the event maintain a setback of at least one hundred~~

4305 ~~fifty feet from interior property lines;~~

4306 ~~d. The parcel is located in the RA zone;~~

4307 ~~e. The parcel has access directly from and to a principal arterial or state~~

4308 ~~highway;~~

4309 ~~f. The event does not use amplified sound outdoors before 12:00 p.m. or after~~
4310 ~~8:00 p.m.~~

4311 ~~2. Events that meet the provisions in this subsection E. shall not be subject to~~
4312 ~~the provisions of K.C.C. 21A.32.120, as long as the events occur no more frequently than~~
4313 ~~an annual average of eight days per month.))~~

4314 SECTION 78. Ordinance 10870, Section 549, as amended, and K.C.C.
4315 21A.32.120 are hereby amended to read as follows:

4316 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,
4317 temporary use permits shall be limited in duration and frequency as follows:

4318 A. The temporary use permit shall be effective for one year from the date of
4319 issuance and may be renewed annually as provided in subsection D. of this section;

4320 B.~~((1.))~~ The temporary use shall not exceed a total of sixty days in any three-
4321 hundred-sixty-five-day period. This subsection B.~~((1.))~~ applies only to the days that the
4322 event or events actually take place(~~(-~~

4323 ~~2. For a winery, brewery, distillery facility II and III in the A zone, the~~
4324 ~~temporary use shall not exceed a total of two events per month and all event parking must~~
4325 ~~be accommodated on site or managed through a parking management plan approved by~~
4326 ~~the director. This subsection B.2. applies only to the days that the event or events~~
4327 ~~actually take place.~~

4328 ~~3. For a winery, brewery, distillery facility II and III in the RA zone, the~~
4329 ~~temporary use shall not exceed a total of twenty-four days in any three-hundred-sixty-~~
4330 ~~five-day period and all event parking must be accommodated on site or managed through~~
4331 ~~a parking management plan approved by the director. This subsection B.3. applies only~~

4332 to the days that the event or events actually take place.

4333 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition
4334 to all other relevant facts, the department shall consider building occupancy and parking
4335 limitations during permit review, and shall condition the number of guests allowed for a
4336 temporary use based on those limitations. The department shall not authorize attendance
4337 of more than one hundred fifty guests.

4338 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition
4339 to all other relevant facts, the department shall consider building occupancy and parking
4340 limitations during permit review, and shall condition the number of guests allowed for a
4341 temporary use based on those limitations. The department shall not authorize attendance
4342 of more than two hundred fifty guests.

4343 6. Events for any winery, brewery, distillery facility I in the RA zone, any
4344 nonconforming winery, brewery, distillery facility home occupation, or any
4345 nonconforming winery, brewery, distillery facility home industry shall be limited to two
4346 per year, and limited to a maximum of fifty guests. If the event complies with this
4347 subsection B.6., a temporary use permit is not required for a special event for a winery,
4348 brewery, distillery facility I in the RA zone, a nonconforming home occupation winery,
4349 brewery, distillery facility or a nonconforming home industry winery, brewery, distillery
4350 facility.

4351 7. For a winery, brewery, distillery facility II and III in the RA zone, events
4352 exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use
4353 permit shall not be subject to the provisions of this section));

4354 C. The temporary use permit shall specify a date upon which the use shall be
4355 terminated and removed; and

4356 D. A temporary use permit may be renewed annually for up to a total of five
4357 consecutive years as follows:

4358 1. The applicant shall make a written request and pay the applicable permit
4359 extension fees for renewal of the temporary use permit at least seventy days before the
4360 end of the permit period;

4361 2. The department must determine that the temporary use is being conducted in
4362 compliance with the conditions of the temporary use permit;

4363 3. The department must determine that site conditions have not changed since
4364 the original temporary permit was issued; and

4365 4. At least forty-five days before the end of the permit period, the department
4366 shall notify property owners within five hundred feet of the property boundaries that a
4367 temporary use permit extension has been requested and contact information to request
4368 additional information or to provide comments on the proposed extension.

4369 SECTION 79. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010
4370 are hereby amended to read as follows:

4371 A. The purpose of the transfer of development rights program is to transfer
4372 residential density from eligible sending sites to eligible receiving sites through a
4373 voluntary process that permanently preserves urban, rural((;)) and resource ((~~and urban~~
4374 ~~separator~~)) lands that provide a public benefit. The TDR provisions are intended to
4375 supplement land use regulations, resource protection efforts and open space acquisition
4376 programs and to encourage increased residential development density or increased

commercial square footage, especially inside cities, where it can best be accommodated with the least impacts on the natural environment and public services by:

1. Providing an effective and predictable incentive process for property owners of rural, resource and urban separator land to preserve lands with a public benefit as described in K.C.C. 21A.37.020; and

2. Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site.

B. The TDR provisions in this chapter shall only apply to TDR receiving site development proposals submitted on or after September 17, 2001, and applications for approval of TDR sending sites submitted on or after September 17, 2001.

SECTION 80. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020 are hereby amended to read as follows:

A. For the purpose of this chapter, sending site means the entire tax lot or lots qualified under ~~((subsection B. of))~~ this subsection. Sending sites ~~((may only be located within rural or resource lands or urban separator areas with R-1 zoning, as designated by the King County Comprehensive Plan, and shall meet))~~ shall:

1. Contain a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest;

2. Meet at least one of the following criteria:

a. designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;

4400 b. designation in the King County Comprehensive Plan or a functional plan as
4401 forest production district or zoned F;

4402 c. designation in the King County Comprehensive Plan as Rural Area, zoned
4403 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, of
4404 farm and agricultural land or of timber land;

4405 d. designation in the King County Comprehensive Plan or a functional plan as
4406 a proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural
4407 Resource Land open space site, through either:

4408 (1) designation of a specific site; or

4409 (2) identification of proposed Rural Area or Natural Resource Land regional
4410 trail or Rural Area or Natural Resource Land open space sites which meet adopted
4411 standards and criteria, and for Rural Area or Natural Resource Land open space sites,
4412 meet the definition of open space land, as defined in RCW 84.34.020;

4413 e. identification as habitat for federally listed endangered or threatened species
4414 in a written determination by the King County department of natural resources and parks,
4415 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
4416 Services or a federally recognized tribe that the sending site is appropriate for
4417 preservation or acquisition;

4418 f. designation in the King County Comprehensive Plan as urban separator and
4419 zoned R-1; or

4420 g.(1) designation in the King County Comprehensive Plan as urban residential
4421 medium or urban residential high;

4422 (2) zoned R-4, R-6, R-8, R-12, R-18, R-24 or R-48; and

4423 (3) approved for conservation futures tax funding by the King County
4424 council;

4425 3. Consist of one or more contiguous lots that have a combined area that meets
4426 or exceeds the minimum lot area for construction requirements in K.C.C. 21A.12.100 for
4427 the zone in which the sending site is located. For purposes of this subsection, lots divided
4428 by a street are considered contiguous if the lots would share a common lot line if the
4429 street was removed. This provision may be waived by the interagency committee if the
4430 total acreage of a rural or resource sending site application exceeds one hundred acres;
4431 and

4432 4. Not be in public ownership, ((E))except:

4433 a. as provided in K.C.C. 21A.37.110.C.((~~or~~));

4434 b. for lands zoned RA that are managed by the Washington state Department
4435 of Natural Resources as state grant or state forest lands((~~land in public ownership may~~
4436 not be sending sites. If the sending site consists of more than one tax lot, the lots must be
4437 contiguous and the area of the combined lots must meet the minimum lot area for
4438 construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is
4439 located. For purposes of this section, lots divided by a street are considered contiguous if
4440 the lots would share a common lot line if the street was removed; this provision may be
4441 waived by the interagency committee if the total acreage of a rural or resource sending
4442 site application exceeds one hundred acres. A sending site shall be maintained in a
4443 condition that is consistent with the criteria in this section under which the sending was
4444 qualified.

4445 B. Qualification of a sending site shall demonstrate that the site contains a public

4446 benefit such that preservation of that benefit by transferring residential development
4447 rights to another site is in the public interest. A sending site must meet at least one of the
4448 following criteria:

4449 1. Designation in the King County Comprehensive Plan or a functional plan as
4450 an agricultural production district or zoned A;

4451 2. Designation in the King County Comprehensive Plan or a functional plan as
4452 forest production district or zoned F;

4453 3. Designation in the King Count Comprehensive Plan as rural residential,
4454 zoned RA 2.5, RA 5 or RA 10, and meeting the definition in RCW 84.34.020 of open
4455 space, farm and agricultural land, or timber land;

4456 4. Designation in the King County Comprehensive Plan, or a functional plan as
4457 a proposed rural or resource area regional trail or rural or resource area open space site,
4458 through either:

4459 a. designation of a specific site; or

4460 b. identification of proposed rural or resource area regional trail or rural or
4461 resource area open space sites which meet adopted standards and criteria, and for rural or
4462 resource area open space sites, meet the definition of open space land, as defined in RCW
4463 84.34.020;

4464 5. Identification as habitat for federal listed endangered or threatened species in
4465 a written determination by the King County department of natural resources and parks,
4466 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
4467 Services or a federally recognized tribe that the sending site is appropriate for
4468 preservation or acquisition; or

4469 ~~6. Designation in the King County Comprehensive Plan as urban separator and~~
4470 ~~zoned R-1))~~; or

4471 c. for lands that are managed by King County for purposes of residential or
4472 commercial development.

4473 ~~((C.))~~ B. For the purposes of the TDR program, acquisition means obtaining fee
4474 simple rights in real property~~((;))~~ or a ~~((less than a fee simple))~~ property right in a form
4475 that preserves in perpetuity the public benefit supporting the designation or qualification
4476 of the property as a sending site. A sending site shall be maintained in a condition that is
4477 consistent with the criteria in this section under which the sending was qualified.

4478 ~~((D.))~~ C. If a sending site has any outstanding code violations, the person
4479 responsible for code compliance should resolve these violations, including any required
4480 abatement, restoration, or payment of civil penalties, before a TDR sending site may be
4481 qualified by the interagency review committee created under K.C.C. 21A.37.070.
4482 However, the interagency may qualify and certify a TDR sending site with outstanding
4483 code violations if the person responsible for code compliance has made a good faith
4484 effort to resolve the violations and the proposal is in the public interest.

4485 ~~((E.))~~ D. For lots on which the entire lot or a portion of the lot has been cleared or
4486 graded in accordance with a Class II, III or IV special forest practice as defined in chapter
4487 76.09 RCW within the six years ~~((prior to))~~ before application as a TDR sending site, the
4488 applicant must provide an affidavit of compliance with the reforestation requirements of
4489 the Forest Practices Act, and any additional reforestation conditions of their forest
4490 practice permit. Lots on which the entire lot or a portion of the lot has been cleared or
4491 graded without any required forest practices or county authorization, shall be not

4492 qualified or certified as a TDR sending site for six years unless the six-year moratorium
4493 on development applications has been lifted or waived or the landowner has a
4494 reforestation plan approved by the Washington state Department of Natural Resources
4495 and King County.

4496 SECTION 81. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040
4497 are hereby amended to read as follows:

4498 A. The number of residential development rights that an unincorporated sending
4499 site is eligible to send to a receiving site shall be determined by applying the TDR
4500 sending site base density established in subsection D. of this section to the area of the
4501 sending site, after deducting the area associated with any existing development, any
4502 retained development rights and any portion of the sending site already in a conservation
4503 easement or other similar encumbrance. For each existing dwelling unit or retained
4504 development right, the sending site area shall be reduced by an area equivalent to the base
4505 density for that zone under K.C.C. 21A.12.030.

4506 B. Any fractions of development rights that result from the calculations in
4507 subsection A. of this section shall not be included in the final determination of total
4508 development rights available for transfer.

4509 C. For purposes of calculating the amount of development rights a sending site
4510 can transfer, the amount of land contained within a sending site shall be determined as
4511 follows:

4512 1. If the sending site is an entire tax lot, the square footage or acreage shall be
4513 determined:

4514 a. by the King County department of assessments records; or

4515 b. by a survey funded by the applicant that has been prepared and stamped by a
4516 surveyor licensed in the state of Washington; and

4517 2. If the sending site consists of a lot that is divided by a zoning boundary, the
4518 square footage or acreage shall be calculated separately for each zoning classification.
4519 The square footage or acreage within each zoning classification shall be determined by
4520 the King County record of the action that established the zoning and property lines, such
4521 as an approved lot line adjustment. When such records are not available or are not
4522 adequate to determine the square footage or acreage within each zoning classification, the
4523 department of local services, permitting division, shall calculate the square footage or
4524 acreage through the geographic information system (GIS) mapping system.

4525 D. For the purposes of the transfer of development rights (TDR) program only,
4526 the following TDR sending site base densities apply:

4527 1. Sending sites designated in the King County Comprehensive Plan as urban
4528 separator and zoned R-1 shall have a base density of four dwelling units per acre;

4529 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two
4530 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25
4531 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25
4532 acres;

4533 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
4534 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and
4535 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated
4536 ~~((one))~~ one additional TDR for each vacant lot that is smaller than two and one-half acres
4537 or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling unit per five acres for transfer purposes only;

6. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size; or

7. Sending sites in the urban unincorporated area that meet the criteria in K.C.C. 21A.37.020.A.2.g. shall be allocated TDRs that are equivalent to the zoning base density established in K.C.C. 21A.12.030 for every one acre of gross land area.

E. A sending site zoned RA, A or F may send one development right for every legal lot larger than five thousand square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section. A sending site zoned R-1 may send one development right for every legal lot larger than two thousand five hundred square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal jurisdiction. The conversion ratio will be applied to the number of available sending site development rights

determined under subsection A. or E. of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR qualification report prepared by the department of natural resources and parks and sent to the applicant. The qualification report and shall be considered a final determination, not to be revised due to changes to the sending site's zoning, and shall be valid unless conditions on the sending site property that would affect the number of development rights the sending site has available for transfer have changed.

I. Each residential transferable development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential transferable development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density. Each residential transferable development right that originates from a sending site in urban unincorporated area lands meeting the criteria in K.C.C. 21A.37.020.A.2.g. shall be designated "Urban" and is equivalent to one additional unit above the base density.

SECTION 82. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are hereby amended to read as follows:

4584 A. An interagency review committee, chaired by the department of local services
4585 permitting division manager and the director of the department of natural resources and
4586 parks, or designees, shall be responsible for qualification of sending sites.

4587 Determinations on sending site certifications made by the committee are appealable to the
4588 examiner under K.C.C. 20.22.040. The department of natural resources and parks shall
4589 be responsible for preparing a TDR qualification report, which shall be signed by the
4590 director of the department of natural resources and parks or designee, documenting the
4591 review and decision of the committee. The qualification report shall:

4592 1. Specify all deficiencies of an application, if the decision of the committee is
4593 to disqualify the application;

4594 2. For all qualifying applications, provide a determination as to whether or not
4595 additional residential dwelling units and associated accessory units may be
4596 accommodated in accordance with K.C.C. 21A.37.050.A.; and

4597 3. Be issued a TDR certification letter within sixty days of the date of submittal
4598 of a completed sending site certification application.

4599 B. Responsibility for preparing a completed application rests exclusively with the
4600 applicant. Application for sending site certification shall include:

4601 1. A legal description of the site;

4602 2. A title report;

4603 3. A brief description of the site resources and public benefit to be preserved;

4604 4. A site plan showing the existing and proposed dwelling units, nonresidential
4605 structures, driveways, submerged lands and any area already subject to a conservation
4606 easement or other similar encumbrance;

4607 5. Assessors map or maps of the lot or lots;

4608 6. A statement of intent indicating whether the property ownership, after TDR

4609 certification, will be retained in private ownership or dedicated to King County or another

4610 public or private nonprofit agency;

4611 7. Any or all of the following written in conformance with criteria established

4612 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as

4613 habitat for a threatened or endangered species:

4614 a. a wildlife habitat conservation plan;

4615 b. a wildlife habitat restoration plan; or

4616 c. a wildlife present conditions report;

4617 8. If the site qualifies as an urban unincorporated area sending site meeting the

4618 criteria in K.C.C. 21A.37.020.A.2.g.;

4619 9. A forest stewardship plan, written in conformance with criteria established

4620 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.

4621 21A.37.060.B.3. and 6.;

4622 ~~((9.))~~ 10. An affidavit of compliance with the reforestation requirements of the

4623 Forest Practices Act and any additional reforestation conditions of the forest practices

4624 permit for the site, if required under K.C.C. 21A.37.020.~~((E))~~D.;

4625 ~~((10.))~~ 11. A completed density calculation worksheet for estimating the number

4626 of available development rights; and

4627 ~~((11.))~~ 12. The application fee consistent with K.C.C. ~~((27.36.020))~~ 27.10.170.

4628 SECTION 83. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100

4629 are hereby amended to read as follows:

4630 The purpose of the TDR bank is to assist in the implementation of the transfer of
4631 development rights (TDR) program by bridging the time gap between willing sellers and
4632 buyers of development rights by purchasing and selling development rights, purchasing
4633 conservation easements, and facilitating interlocal TDR agreements with cities in King
4634 County through the provision of amenity funds. The TDR bank may acquire
4635 development rights and conservation easements only from sending sites located in the
4636 rural area or in an agricultural or forest ~~((production district as designated))~~ land use
4637 designation in the King County Comprehensive Plan, or in the urban unincorporated area
4638 only from sites meeting the criteria in K.C.C. 21A.37.020.A.2.g. Development rights
4639 purchased from the TDR bank may only be used for receiving sites in cities or in the
4640 urban unincorporated area as designated in the King County Comprehensive Plan.

4641 SECTION 84. Ordinance 13733, Section 10, as amended, and K.C.C.
4642 21A.37.110 are hereby amended to read as follows:

4643 A. The TDR bank may purchase development rights from qualified sending sites
4644 at prices not to exceed fair market value and to sell development rights at prices not less
4645 than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may
4646 accept donations of development rights from qualified TDR sending sites.

4647 B. The TDR bank may purchase a conservation easement only if the property
4648 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
4649 qualification report, the conservation easement restricts development of the sending site
4650 in the manner required by K.C.C. 21A.37.060 and the development rights generated by
4651 encumbering the sending site with the conservation easement are issued to the TDR bank
4652 at no additional cost.

4653 C. Any development rights, generated by encumbering property with a
4654 conservation easement, may be issued to the TDR bank if:

4655 1.a. The conservation easement is acquired through a county park, open space,
4656 trail, agricultural, forestry or other natural resource acquisition program for a property
4657 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or
4658 b. the property is acquired by the county with the intent of conveying the
4659 property encumbered by a reserved conservation easement. The number of development
4660 rights generated by this reserved conservation easement shall be determined by the TDR
4661 qualification report; and

4662 2. Under either subsection C.1.a. or b. of this section, there will be no additional
4663 cost to the county for acquiring the development rights.

4664 D. The TDR bank may use funds to facilitate development rights transfers.
4665 These expenditures may include, but are not limited to, establishing and maintaining
4666 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
4667 and reimbursing the costs incurred by the department of natural resources and parks,
4668 water and land resources division, or its successor, for administering the TDR bank fund
4669 and executing development rights purchases and sales.

4670 E. The TDR bank fund may be used to cover the cost of providing staff support
4671 for identifying and qualifying sending and receiving sites, and the costs of providing staff
4672 support for the TDR interagency review committee.

4673 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
4674 bank development rights shall be available for acquisition of additional development
4675 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King

County and for projects in receiving areas located in urban unincorporated King County. Amenity funds provided to a city from the sale of TDR bank development rights to that city are limited to one-third of the proceeds from the sale.

SECTION 85. Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130 are hereby amended to read as follows:

A.1. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights, except as provided in subsection A.2. of this section. The fair market value of the development rights shall be established by the department of natural resources and shall be based on the amount the county paid for the development rights and the prevailing market conditions.

2.a. The department of natural resources and parks shall undertake a "TDR for Affordable Housing" pilot program, in which transferrable development rights necessary to construct up to one hundred total units shall be sold at the administrative cost incurred by the county or fifteen percent of the fair market value of the development rights, whichever is less.

b. In order to qualify for this program, all units built using the development rights must be either:

(1) rental housing permanently priced to serve households with a total household income at or below forty percent of the median income for the county as defined by the United States Department of Housing and Urban Development, adjusted for household size. A covenant on the property that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval; or

4699 (2) housing reserved for income- and asset-qualified home buyers with total
4700 household income at or below forty percent of the median income for the county as
4701 defined by the United States Department of Housing and Urban Development, adjusted
4702 for household size. The units shall be limited to owner-occupied housing with prices
4703 restricted based on typical underwriting ratios and other lending standards, and with no
4704 restriction placed on resale. Final approval conditions shall specify requirements for
4705 reporting to King County on both buyer eligibility and housing prices.

4706 c. In unincorporated King County, in the R-4 through R-48 zones,
4707 development rights to build units through this pilot program shall only be sold for units
4708 between one hundred fifty percent and two hundred percent of the receiving site's base
4709 density as set forth in K.C.C. 21A.12.030.

4710 d.(1) The department of natural resources and parks shall track the sale of
4711 development rights and completion of units constructed through this program. When the
4712 one hundred unit threshold is reached, the department shall, within six months of that
4713 date, transmit a report to the council that includes, but is not limited to:

4714 (a) the location of the receiving sites where development rights under this
4715 pilot program were used;

4716 (b) lessons learned from the pilot program, including feedback from
4717 developers who purchased development rights through the program; and

4718 (c) a recommendation on whether to make the pilot program permanent,
4719 repeal the program, or modify the program.

4720 (2) the report shall be accompanied by a proposed ordinance effectuating the
4721 recommendation in subsection d.1.c of this section.

4722 (3) the report and proposed ordinance shall be filed in the form of a paper
4723 original and an electronic copy with the clerk of the council, who shall retain the original
4724 and provide an electronic copy to all councilmembers, the council chief of staff and the
4725 lead staff to the mobility and environment committee or its successor.

4726 B. When selling development rights, the TDR bank may select prospective
4727 purchasers based on the price offered for the development rights, the number of
4728 development rights offered to be purchased, and the potential for the sale to achieve the
4729 purposes of the TDR program.

4730 C. The TDR bank may sell development rights only in whole or half increments
4731 to incorporated receiving sites through an interlocal agreement or, after the county enacts
4732 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a
4733 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR
4734 bank may sell development rights only in whole increments to unincorporated King
4735 County receiving sites.

4736 D. All offers to purchase development rights from the TDR bank shall be in
4737 writing, shall include a certification that the development rights, if used, shall be used
4738 only inside an identified city or within the urban unincorporated area, include a minimum
4739 ten percent down payment with purchase option, shall include the number of
4740 development rights to be purchased, location of the receiving site, proposed purchase
4741 price and the required date or dates for completion of the sale, not later than three years
4742 after the date of receipt by King County of the purchase offer.

E. Payment for purchase of development rights from the TDR bank shall be in full at the time the development rights are transferred unless otherwise authorized by the department of natural resources and parks.

SECTION 86. Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040 are hereby amended to read as follows:

Special district overlays shall be ~~((designated))~~ classified on the official ~~((area))~~ zoning map~~((s))~~ and as a notation in the department's electronic parcel record, as follows:

A. A special district overlay shall be ~~((designated))~~ classified through the area zoning process as provided in K.C.C. chapters 20.12 and 20.18. ~~((Designation))~~ Classification of an overlay district shall include policies that prescribe the purposes and location of the overlay;

B. A special district overlay shall be applied to land through an area zoning process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the zoning map and as a notation in the department's electronic parcel record and shall be designated in Appendix B of Ordinance 12824 as maintained by the department of local services, permitting division, with the suffix "-SO" following the map symbol of the underlying zone or zones;

C. The special district overlays in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas;

D. The special district overlays in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

E. Unless they are specifically modified by this chapter, the standard requirements of this title and other county ordinances and regulations govern all development and land uses within special district overlays;

F. A special district overlay on an individual site may be modified by property-specific development standards as provided in K.C.C. 21A.38.030;

G. A special district overlay may not be deleted by a zone reclassification; and

H. Special district overlay development standards may be modified or waived through the consideration of a variance, subject to the variance criteria in K.C.C. 21A.44.030.

SECTION 87. Ordinance 10870, Section 578, as amended, and K.C.C. 21A.38.050 are hereby amended to read as follows:

A. The purpose of the pedestrian-oriented commercial development special district overlay is to provide for high-density, pedestrian-oriented retail ((/)) and employment uses. The ((P))pedestrian-oriented commercial districts shall only be established in areas designated ~~((within a community, subarea, or neighborhood plan as an urban activity center))~~ as a center on the adopted Urban Centers map of the King County Comprehensive Plan and zoned CB, RB or O.

B. Permitted uses shall be those uses permitted in the underlying zone, excluding the following:

1. Motor vehicle, boat and mobile home dealer;

4787 2. Gasoline service station;

4788 3. (~~((Drive-through retail and service u))~~) Uses with drive-through facilities,

4789 except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;

4790 4. (~~((Car washes))~~) SIC Industry Group 598 (Fuel dealers);

4791 5. (~~((Retail and service u))~~)Uses with outside storage, e.g. lumber yards,

4792 miscellaneous equipment rental or machinery sales;

4793 6. (~~((Wholesale uses))~~) Bulk retail;

4794 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks,

4795 sports clubs, theaters, libraries and museums;

4796 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521

4797 (automobile parking; but excluding tow-in parking lots);

4798 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,

4799 clock and jewelry repair);

4800 10. SIC Major Group 78 (Motion pictures)(~~((, except 7832 (theater) and 7841~~

4801 ~~(video tape rental)))~~);

4802 11. SIC Major Group 80 (Health services), except offices and outpatient clinics

4803 (801-804);

4804 12. SIC Industry Group 421 (Trucking and courier service);

4805 13. Public agency archive((s));

4806 14. Self-service storage;

4807 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC

4808 Industry Code 2759 (Commercial printing); ((and))

4809 16. Resource land uses as set forth in K.C.C. 21A.08.090;

- 4810 17. SIC Industry Code 7261 (Funeral home/crematory);
4811 18. Cemetery, columbarium or mausoleum;
4812 19. Interim recycling facility;
4813 20. Utility facility, except underground water, gas or wastewater pipelines; and
4814 21. Vector waste receiving facility.

4815 C. The following development standards shall apply to ~~((uses))~~ development
4816 located in pedestrian-oriented commercial overlay districts:

4817 1. ~~((Every use shall be subject to pedestrian-oriented use limitations and street~~
4818 ~~facade development standards (e.g. placement and orientation of buildings with respect to~~
4819 ~~streets and sidewalks, arcades or marquees) identified and adopted through an applicable~~
4820 ~~community, subarea or, neighborhood plan, or the area zoning process;~~

4821 2.)) For properties that have frontage on ~~((pedestrian street(s) or routes as~~
4822 ~~designated in an applicable plan or area zoning process))~~ a public street, the following
4823 conditions shall apply:

4824 a. main building entrances shall be oriented to the ~~((pedestrian))~~ public street;

4825 b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~
4826 five feet from the sidewalk or sidewalk improvement, but shall not encroach on the
4827 public right-of-way. For buildings existing before the effective date of this section of this
4828 ordinance with setbacks greater than five feet and that have substantial improvements
4829 made to them after the effective date of this section of this ordinance, a minimum five-
4830 foot-wide pedestrian walkway shall be constructed that connects the main building
4831 entrance to the public sidewalk or sidewalk improvement;

4832 c. building facades shall comprise at least ~~((75%))~~ seventy-five percent of the

4833 total ~~((pedestrian))~~ street frontage for a property and if applicable, at least ~~((75%))~~
4834 seventy-five percent of the total pedestrian route frontage for a property;

4835 d. minimum ~~((side))~~ interior setbacks of the underlying zoning are waived;

4836 e. building facades ~~((of ground floor retail, general business service, and~~
4837 ~~professional office land uses))~~ that front onto a ~~((pedestrian))~~ street ~~((or route))~~ shall
4838 ~~((include))~~ incorporate windows into at least thirty percent of the building facade surface
4839 area and overhead protection above all building entrances and along at least fifty percent
4840 of length of the building facade, which may extend over the sidewalk if it does not
4841 impede use of the sidewalk by the public;

4842 f. ground floor building facades ~~((along a pedestrian street or route, that are~~
4843 ~~without ornamentation or are))~~ shall include ornamentation such as decorative
4844 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;
4845 and

4846 g. buildings facades shall not be comprised of uninterrupted glass curtain walls
4847 or mirrored glass ~~((are not permitted))~~; ~~((and~~
4848 ~~g.))~~ 2. vehicle access shall be limited to the rear access alley or rear access
4849 street where such an alley or street exists~~((-))~~;

4850 3. Floor/lot area ratio shall not exceed 5:1, including the residential component
4851 of mixed use developments, but not including parking structures;

4852 4. Building setback and height requirements may be waived through the
4853 application of residential density incentives under K.C.C. chapter 21A.34 or the transfer
4854 of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of
4855 the perimeter of any special district overlay area abutting an R-12 or lower density

4856 residential zone;

4857 5. The landscaping requirements of K.C.C. chapter 21A.16 (~~((may be waived if~~
4858 ~~landscaping conforms to a special district overlay landscaping plan adopted as part of the~~
4859 ~~area zoning. The overlay district landscaping plan shall include features addressing street~~
4860 ~~trees, and other design amenities (e.g. landscaped plazas or parks)))~~ shall apply to all new
4861 development and to buildings existing before the effective date of this section of this
4862 ordinance that have substantial improvements made to them after the effective date of
4863 this section of this ordinance; and

4864 6. (~~((On designated pedestrian streets, sidewalk width requirements shall be~~
4865 ~~increased to a range of ten to twelve feet wide including sidewalk landscaping and other~~
4866 ~~amenities. The sidewalk widths exceeding the amount required in the King County Road~~
4867 ~~Standards may occur on private property adjoining the public street right of way; and~~

4868 7.)) Off-street parking requirements K.C.C. 21A.18.110 (~~((are modified as~~
4869 ~~follows for all nonresidential uses:~~

4870 a. ~~No less than one space for every 1000 square feet of floor area shall be~~
4871 ~~provided;~~

4872 b. ~~No more than seventy five percent of parking shall be on-site surface~~
4873 ~~parking. Such parking shall be placed in the interior of the lot, or at the rear of the~~
4874 ~~building it serves; and~~

4875 c. ~~At least twenty five percent of the required parking shall be enclosed in an~~
4876 ~~on-site parking structure or located at an off-site common parking facility, provided that~~
4877 ~~this requirement is waived when the applicant signs a no protest agreement to participate~~
4878 ~~in any improvement district for the future construction of such facilities))~~ shall apply,

except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director shall only allow use of on-street parallel parking in front of or adjacent to the subject parcel for the parking spaces that cannot be accommodated to the rear or sides of buildings.

NEW SECTION. SECTION 88. There is hereby added to K.C.C. chapter 21A.38 a new section to read as follows:

A. The purpose of the Martin Luther King Jr. Way South Mixed-Use Special District Overlay is to facilitate linkages to the existing Martin Luther King Jr Way South Neighborhood Business Center, incentivize commercial opportunities close to existing high-density housing, incentivize commercial development by allowing more uses than traditionally found in mixed-use developments and provide flexibility in current square footage limitations.

B. The following development standards shall be applied to all development proposals within the Martin Luther King Jr. Way South Mixed-Use Special District Overlay:

1. New buildings shall be limited to mixed-use as defined in K.C.C. 21A.06.753;

2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as part of a mixed-use building in subsection B.1. of this section; and

3. Any nonresidential component of the building that is personal services allowed in the zone under K.C.C. 21A.08.050 or retail use allowed in the zone under K.C.C. 21A.08.070 shall comply with K.C.C. 21A.12.230, except that K.C.C. 21A.12.230.A., B. and C. do not apply to the development.

4902 SECTION 89. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260
4903 are hereby amended to read as follows:

4904 A. The purpose of the Fall City business district special district overlay is to allow
4905 commercial development in Fall City to occur with on-site septic systems until such time as
4906 an alternative wastewater system is available. The special district shall only be established
4907 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to
4908 other rural commercial centers.

4909 B. The standards of this title and other county codes shall be applicable to
4910 development within the Fall City business district special district overlay except as follows:

4911 1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced
4912 with the following:

4913 a. Residential land uses as set forth in K.C.C. 21A.08.030:

4914 i. As a permitted use:

4915 (A) Multifamily residential units shall only be allowed on the upper floors of
4916 buildings; and

4917 (B) Home occupations under K.C.C. chapter 21A.30;

4918 ii. As a conditional use:

4919 (A) Bed and Breakfast (five rooms maximum); and

4920 (B) Hotel/Motel.

4921 b. Recreational/cultural land uses as set forth in K.C.C. ~~((21A.08.030))~~

4922 21A.08.040:

4923 i. As a permitted use:

4924 (A) Library;

- 4925 (B) Museum; (~~and~~)
- 4926 (C) Arboretum; and
- 4927 (D) Park.
- 4928 ii. As a conditional use:
- 4929 (A) Sports Club/Fitness Center;
- 4930 (B) Amusement/Recreation Services/Arcades (Indoor);
- 4931 (C) Bowling Center
- 4932 c. General services land uses as set forth in K.C.C. 21A.08.050:
- 4933 i. As a permitted use:
- 4934 (A) General Personal Services, except escort services;
- 4935 (B) Funeral Home;
- 4936 (C) Appliance/Equipment Repair;
- 4937 (D) Medical or Dental Office/Outpatient Clinic;
- 4938 (E) Medical or Dental Lab;
- 4939 (F) Day Care I;
- 4940 (G) Day Care II;
- 4941 (H) Veterinary Clinic;
- 4942 (I) Social Services;
- 4943 (J) Animal Specialty Services;
- 4944 (K) Artist Studios;
- 4945 (L) Nursing and Personal Care Facilities;
- 4946 ii. As a conditional use:
- 4947 (A) Theater (Movie or Live Performance);

- 4948 (B) Religious Use;
- 4949 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
- 4950 i. As a permitted use:
- 4951 (A) General Business Service;
- 4952 (B) Professional Office: Bank, Credit Union, Insurance Office.
- 4953 ii. As a conditional use:
- 4954 (A) Public Agency or Utility Office;
- 4955 (B) Police Substation;
- 4956 (C) Fire Station;
- 4957 (D) Utility Facility;
- 4958 (E) Self Service Storage;
- 4959 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 4960 i. As a permitted use on the ground floor:
- 4961 (A) Food Store;
- 4962 (B) Drug Store/Pharmacy;
- 4963 (C) Retail Store: includes florist, book store, apparel and accessories store,
- 4964 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video
- 4965 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,
- 4966 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-
- 4967 only retail);
- 4968 (D) Eating and Drinking Places, including coffee shops and bakeries((;
- 4969 ~~(E) Remote tasting rooms~~)).
- 4970 ii. As a conditional use:

4971 (A) Liquor Store or Retail Store Selling Alcohol;

4972 (B) Hardware/Building Supply Store;

4973 (C) Nursery/Garden Center;

4974 (D) Department Store;

4975 (E) Auto Dealers (indoor sales rooms only);

4976 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

4977 g. Resource land uses as set forth in K.C.C. 21A.08.090:

4978 i. As a permitted use:

4979 (A) Solar photovoltaic/solar thermal energy systems;

4980 (B) Private storm water management facilities;

4981 (C) Growing and Harvesting Crops (within rear/internal side yards or roof

4982 gardens, and with organic methods only);

4983 (D) Raising Livestock and Small Animals (per the requirements of Section

4984 21A.30 of the Zoning Code)

4985 ii. As a conditional use: Wind Turbines

4986 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:

4987 Communication Facility.

4988 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except

4989 as follows:

4990 a. Residential density is limited to six dwelling units per acre. For any building

4991 with more than ten dwelling units, at least ten percent of the dwelling units shall be

4992 classified as affordable under 21A.34.040F.1;

4993 b. Buildings are limited to two floors, plus an optional basement;

4994 c. The elevation of the ground floor may be elevated a maximum of six feet
4995 above the average grade of the site along the front facade of the building;

4996 d. If the ground floor is designed to accommodate non-residential uses, the
4997 elevation of the ground floor should be placed near the elevation of the sidewalk to
4998 minimize the need for stairs and ADA ramps;

4999 e. If the ground floor is designed to accommodate non-residential space, the
5000 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

5001 f. Building height shall not exceed forty feet, as measured from the average
5002 grade of the site along the front facade of the building.

5003 NEW SECTION. SECTION 90. There is hereby added to K.C.C. chapter 21A.38
5004 a new section to read as follows:

5005 A. The purpose of the Bear Creek office and retail special district overlay is to
5006 provide additional commercial opportunities to support area residents and the local
5007 economy and to provide retail options for employees of the office zones.

5008 B. Allowed uses within the special district overlay shall be those uses allowed in
5009 the office zone in K.C.C. chapter 21A.08 and the following permitted land uses:

- 5010 1. Building materials and hardware stores;
- 5011 2. Retail nursery, garden center and farm supply stores;
- 5012 3. Department and variety stores;
- 5013 4. SIC Major Group 54 - Food stores;
- 5014 5. SIC Industry Group 553 - Auto supply stores;
- 5015 6. SIC Industry Group 554 - Gasoline service stations;
- 5016 7. SIC Major Group 56 - Apparel and accessory stores;

- 5017 8. Furniture and home furnishings stores;
- 5018 9. SIC Major Group 58 - Eating and drinking places;
- 5019 10. Drug store;
- 5020 11. SIC Industry Group 592 - Liquor stores;
- 5021 12. SIC Industry Group 593 - Used goods: antiques/secondhand shops;
- 5022 13. Sporting goods and related stores;
- 5023 14. Book, stationary, video and art supply stores, except adult use facilities;
- 5024 15. Jewelry stores;
- 5025 16. Hobby, toy and games shops;
- 5026 17. Photographic and electronic shops;
- 5027 18. Fabric shops;
- 5028 19. Florist shops;
- 5029 20. Personal medical supply stores;
- 5030 21. Pet shops; and
- 5031 22. General services – Daycare II.

5032 SECTION 91. Ordinance 12627, Section 1, and K.C.C. 21A.55.010 are hereby

5033 amended to read as follows:

5034 ~~((Purpose.))~~ The purpose of this section is to provide for "demonstration

5035 projects" as a mechanism to test and evaluate alternative development standards and

5036 processes ~~((prior to))~~ before amending King County policies and regulations. Alternative

5037 development standards might include standards affecting building and/or site design

5038 requirements. Alternative processes might include permit review prioritization,

5039 alternative review and revision scheduling, or staff and peer review practices. All

5040 demonstration projects shall have broad public benefit through the testing of new
5041 development regulations and shall not be used solely to benefit individual property
5042 owners seeking relief from King County development standards. A demonstration
5043 project shall be ~~((designated))~~ classified by the ~~((M))~~metropolitan King County
5044 ~~((C))~~council. ~~((Designation))~~ Classification of each new demonstration project shall
5045 occur through an ordinance which amends this code and shall include provisions that
5046 prescribe the purpose~~((s))~~ or purposes and location~~((s))~~ or locations of the
5047 demonstration project. Demonstration projects shall be located in urban areas, ~~((and/or))~~
5048 rural areas or natural resource lands, or any combination thereof, which are deemed most
5049 suitable for the testing of the proposed alternative development regulations. Within such
5050 areas development proposals may be undertaken to test the efficacy of alternative
5051 regulations that are proposed to facilitate increased quality of development and/or
5052 increased efficiency in the development review processes.

5053 SECTION 92. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020
5054 are hereby amended to read as follows:

5055 A. In establishing any demonstration project, the council shall specify the
5056 following:

- 5057 1. The purpose of the demonstration project;
- 5058 2. The location or locations of the demonstration project;
- 5059 3. The scope of authority to modify standards and the lead agency, department
5060 or division with authority to administer the demonstration project;

4. The development standards established by this title or other titles of the King County Code that affect the development of property that are subject to administrative modifications or waivers;

5. The process through which requests for modifications or waivers are reviewed and any limitations on the type of permit or action;

6. The criteria for modification or waiver approval;

7. The effective period for the demonstration project and any limitations on extensions of the effective period;

8. The scope of the evaluation of the demonstration project and the date by which the executive shall submit an evaluation of the demonstration project; and

9. The date by which the executive shall submit an evaluation of specific alternative standards and, if applicable, proposed legislation.

B. A demonstration project shall be ~~((designated))~~ classified by the ~~((M))~~metropolitan King County ~~((C))~~council through the application of a demonstration project overlay to properties in a specific area or areas. A demonstration project shall be indicated on the zoning map ~~((or))~~ and as a notation in the geographic information system data layers maintained by the department of local services, permitting division, by the suffix "-DPA" (meaning demonstration project area) following the map symbol of the underlying zone or zones. Within a ~~((designated))~~ classified demonstration project area, approved alternative development regulations may be applied to development applications.

SECTION 93. Ordinance 12627, Section 3, and K.C.C. 21A.55.030 are hereby amended to read as follows:

A. The demonstration projects set forth in this chapter are the only authorized demonstration projects. New or amended demonstration projects to carry out new or different goals or policies shall be adopted as part of this chapter.

B. Demonstration projects must be consistent with the King County Comprehensive Plan. ~~((Designation))~~ Classification of a demonstration project and its provisions to waive or modify development standards must not require nor result in amendment of the ~~((e))~~Comprehensive ~~((p))~~Plan nor the ~~((e))~~Comprehensive Plan land use map.

C. Unless they are specifically modified or waived pursuant to the provisions of this chapter, the standard requirements of this title and other county ordinances and regulations shall govern all development and land uses within a demonstration project area. Property-specific development standards (P-suffix conditions) as provided in K.C.C. chapter 21A.38 shall supersede any modifications or waivers allowed by the provisions of this chapter.

D. Demonstration project sites should be selected so that any resulting amended development standards or processes can be applied to similar areas or developments. Similar areas could include those with similar mixes of use and zoning. Similar developments could include types of buildings such as commercial or multifamily and types of development such as subdivisions or redevelopment.

SECTION 94. Ordinance 13332, Section 33, as amended, and K.C.C. 27.10.180 are hereby amended to read as follows:

Fees for zoning or ~~((e))~~Comprehensive ~~((p))~~Plan or map modification shall be 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

5107 D. If a site-specific amendment is implemented as part of ~~((the))~~ a Comprehensive
 5108 Plan ~~((amendment process))~~ update, the application fee will be credited toward the zoning
 5109 reclassification fee, provided that the application for zoning reclassification is filed within
 5110 one year of the effective date of the site-specific land use map amendment.

5111 SECTION 95. The following are hereby repealed:

- 5112 A. Ordinance 15974, Section 5, and K.C.C. 21A.06.1427;
- 5113 B. Ordinance 19030, Section 13, and K.C.C. 21A.06.996;
- 5114 C. Ordinance 19030, Section 14, and K.C.C. 21A.06.1427A;
- 5115 D. Ordinance 19030, Section 15, and K.C.C. 21A.06.1427B;
- 5116 E. Ordinance 19030, Section 16, and K.C.C. 21A.06.1427C;
- 5117 F. Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070;
- 5118 G. Ordinance 12171, Section 7, and K.C.C. 21A.38.110;
- 5119 H. Ordinance 12823, Section 9, and K.C.C. 21A.38.140;
- 5120 I. Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240;
- 5121 J. Ordinance 19030, Section 28;

5122 K. Ordinance 19030, Section 29, and K.C.C. 21A.55.110; and

5123 L. Ordinance 19030, Section 32.

5124 SECTION 96. K.C.C. 20.12.100, as amended by this ordinance, is hereby

5125 recodified as a new section in K.C.C. chapter 4.56.

5126 SECTION 97. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100

5127 are hereby amended to read as follows:

5128 A. The 2019 real property asset management plan, ~~((formerly called the county~~
5129 ~~space plan,))~~ dated September 1, 2019, and consisting of real property asset management
5130 policies, practices and strategies, including planning policies, locations of county agencies
5131 and implementation plans, planned moves and references to King County space standards,
5132 is ~~((adopted as a component of the capital facilities element of))~~ intended to implement the
5133 capital facilities element of the King County Comprehensive Plan. The real property asset
5134 management plan dated September 1, 2019, shall guide facility planning processes,
5135 decisions and implementation.

5136 B. The executive shall ~~((update))~~ transmit to the council a proposed ordinance
5137 updating the real property asset management plan, including the current and future space
5138 needs and implementation plans of the real property asset management plan; ~~((and submit~~
5139 ~~them to the council as amendments to the real property asset management plan))~~

5140 1. ((b))By the first business day in September ((4)) of every fourth year,
5141 beginning ((on September 1, 2019, and also)) 2023; or

5142 2. ((w))Within ninety days of any significant change in the county's ((space plan))
5143 inventory, such as a move, sale, purchase or other change, affecting fifty thousand or more
5144 square feet of useable space.

5145 C.1. The council may amend the executive's proposed real property asset
5146 management plan during the council's review.

5147 2. The council may at any time introduce and adopt an ordinance to modify the
5148 policies within the real property asset management plan.

5149 SECTION 98. The executive shall submit sections 68, 69, 70 and 71 of this
5150 ordinance, amendments to King County Comprehensive Plan chapter six in Attachment
5151 A to this ordinance and amendments to the Shoreline Master Program in Attachments E
5152 and H to this ordinance to the state Department of Ecology for its approval, as provided
5153 in RCW 90.58.090.

5154 SECTION 99. Sections 68, 69, 70 and 71 of this ordinance, amendments to King
5155 County Comprehensive Plan chapter six in Attachment A to this ordinance and
5156 amendments to the Shoreline Master Program in Attachments E and H to this ordinance
5157 take effect within the shoreline jurisdiction fourteen days after the state Department of
5158 Ecology provides written notice of final action stating that the proposal is approved, in
5159 accordance with RCW 90.58.090. The executive shall provide the written notice of final
5160 action to the clerk of the council.

5161 SECTION 100. A. The executive shall transmit a proposed ordinance that adopts
5162 regulations for wineries, breweries and distilleries, and related uses. Before transmittal of
5163 that proposed ordinance, the executive shall complete the SEPA review requested by
5164 Motion 15649 and required by chapter 43.21C RCW, chapter 197-11 WAC and K.C.C.
5165 chapter 20.44.

5166 B. The executive shall transmit the proposed ordinance required by this section
5167 within six months of the completion of the SEPA review process, including any required

comment and appeal periods. The executive shall transmit the proposed ordinance in the form of a paper original and an electronic copy to the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services committee, or its successor.

SECTION 101. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected."

Strike Attachment A, Comprehensive Plan Amends 2020 Update, and insert Attachment A, 2020 Update to 2016 King County Comprehensive Plan and 2017 Vashon-Maury Island Community Service Area Subarea Plan, dated July 17, 2020. The clerk of the council is instructed to engross changes from any adopted amendments and correct any scrivener's errors. Line numbers have been added to the attachment for ease of reference. The clerk of the council is instructed to remove line numbers in the attachment on the final version of this legislation adopted by the council before presentation to the executive. Upon final adoption, council staff is instructed to reflect the enactment number throughout Attachment A, incorporate adopted changes into the King County Comprehensive Plan and Vashon-Maury Island CSA Subarea Plan, modify all Comprehensive Plan and technical maps in Attachment A to reflect the changes in any adopted amendments, update the tables of contents as necessary, update footnote numbers as necessary, and provide an electronic copy of each to the executive.

5190 Strike Attachment B, Appendix C - Transportation, and insert Attachment B, Appendix
5191 C: Transportation, 2020 update to 2016 Comprehensive Plan, dated July 17, 2020. The
5192 clerk of the council is instructed to engross changes from any adopted amendments and
5193 correct any scrivener's errors. Line numbers have been added to the attachment for ease
5194 of reference. The clerk of the council is instructed to remove line numbers in the
5195 attachment on the final version of this legislation adopted by the council before
5196 presentation to the executive. The clerk of the council is also instructed to update the
5197 header to reflect the enactment number upon final adoption.

5198

5199 Strike Attachment C, Appendix C1 - Transportation, and insert Attachment C, Appendix
5200 C1: Transportation Needs Report, 2020 update to 2016 King County Comprehensive
5201 Plan, dated July 17, 2020. The clerk of the council is instructed to engross changes from
5202 any adopted amendments and correct any scrivener's errors. Line numbers have been
5203 added to the attachment for ease of reference. The clerk of the council is instructed to
5204 remove line numbers in the attachment on the final version of this legislation adopted by
5205 the council before presentation to the executive. The clerk of the council is also
5206 instructed to update the header to reflect the enactment number upon final adoption.

5207

5208 Strike Attachment D, Comp Plan Land Use Zoning Maps 2020 Update and insert
5209 Attachment D, Amendments to Land Use and Zoning Maps, 2020 update to 2016 King
5210 County Comprehensive Plan, dated July 17, 2020. The clerk of the council is instructed
5211 to engross changes from any adopted amendments and correct any scrivener's errors.
5212 Line numbers have been added to the attachment for ease of reference. The clerk of the

5213 council is instructed to remove line numbers in the attachment on the final version of this
5214 legislation adopted by the council before presentation to the executive. Upon final
5215 adoption, council staff is instructed to reflect the enactment number throughout
5216 Attachment D, and coordinate with executive staff to assign new P-suffix or Special
5217 District Overlay numbers, modify all Comprehensive Plan and technical maps that
5218 include the urban growth area boundary, potential annexation areas and the agricultural
5219 production district to reflect these changes.

5220

5221 Strike Attachment E, Shoreline Maps 2020 Update and insert Attachment E,
5222 Amendments to Shorelines of the State Map, 2020 update to 2016 King County
5223 Comprehensive Plan and Shoreline Master Program, dated July 17, 2020. The clerk of
5224 the council is instructed to engross changes from any adopted amendments and correct
5225 any scrivener's errors. Line numbers have been added to the attachment for ease of
5226 reference. The clerk of the council is instructed to remove line numbers in the attachment
5227 on the final version of this legislation adopted by the council before presentation to the
5228 executive. Upon final adoption, council staff is instructed to reflect the enactment
5229 number throughout Attachment E, and coordinate with executive staff to modify all
5230 Comprehensive Plan and technical maps that include the urban growth area boundary,
5231 potential annexation areas and the agricultural production district to reflect these changes.

5232

5233 Strike Attachment F, SWH Land Use Subarea Plan 2020 Update, and insert Attachment
5234 F, Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill CSA Subarea
5235 Plan, dated July 17, 2020. The clerk of the council is instructed to engross changes from

5236 any adopted amendments and correct any scrivener's errors. Line numbers have been
5237 added to the attachment for ease of reference. The clerk of the council is instructed to
5238 remove line numbers in the attachment on the final version of this legislation adopted by
5239 the council before presentation to the executive. Upon final adoption, council staff is
5240 instructed to reflect the enactment number throughout Attachment F, modify all
5241 Comprehensive Plan and technical maps in Attachment A to reflect the changes in any
5242 adopted amendments, incorporate any adopted amendments, update the tables of contents
5243 as necessary, update footnote numbers as necessary, and provide an electronic copy to the
5244 executive.

5245

5246 Strike Attachment G, SWH Land Use Zoning Maps 2020 Update, and insert Attachment
5247 G, Appendices to the Skyway-West Hill Land Use Strategy, dated July 17, 2020. The
5248 clerk of the council is instructed to engross changes from any adopted amendments and
5249 correct any scrivener's errors. Line numbers have been added to the attachment for ease
5250 of reference. The clerk of the council is instructed to remove line numbers in the
5251 attachment on the final version of this legislation adopted by the council before
5252 presentation to the executive. Upon final adoption, council staff is instructed to reflect
5253 the enactment number throughout Attachment G, incorporate any adopted amendments,
5254 and provide an electronic copy to the executive.

5255

5256 Strike Attachment H, SMP Jurisdiction List 2020 Updates and insert Attachment H,
5257 Shoreline Jurisdiction, Streams and Lakes Segments, 2020 update to 2016 King County
5258 Comprehensive Plan and Shoreline Master Program, dated July 17, 2020. The clerk of

5259 the council is instructed to engross changes from any adopted amendments and correct
5260 any scrivener's errors. Line numbers have been added to the attachment for ease of
5261 reference. The clerk of the council is instructed to remove line numbers in the attachment
5262 on the final version of this legislation adopted by the council before presentation to the
5263 executive. The clerk of the council is also instructed to update the header to reflect the
5264 enactment number upon final adoption.

5265

5266 Strike Attachment I, Tech Appendix S-Public Participation Summary 2020 Update and
5267 insert Attachment I, Technical Appendix S: Public Participation Summary for 2020
5268 Update, 2020 Update to 2016 King County Comprehensive Plan, dated July 17, 2020.

5269 The clerk of the council is instructed to engross changes from any adopted amendments
5270 and correct any scrivener's errors. Line numbers have been added to the attachment for
5271 ease of reference. The clerk of the council is instructed to remove line numbers in the
5272 attachment on the final version of this legislation adopted by the council before
5273 presentation to the executive. The clerk of the council is also instructed to update the
5274 header to reflect the enactment number upon final adoption.

5275

5276 Insert Attachment J, Update to 2012 King County Comprehensive Plan, as adopted by
5277 Ordinance 17485, dated July 17, 2020. Upon final adoption, council staff is instructed to
5278 reflect the enactment number throughout Attachment D, and coordinate with executive
5279 staff to assign new P-suffix or Special District Overlay numbers, modify all 2016
5280 Comprehensive Plan and technical maps, as amended, that include the urban growth area

5281 boundary, potential annexation areas and the agricultural production district to reflect
5282 these changes.

5283

5284 **EFFECT: The changes proposed by Striking Amendment S4 include:**

5285

Topic	S4 Changes from Executive's Proposal
<p>Four-to-One Program and Growth Management Planning Council /Urban Growth Area (UGA) Changes</p> <p>Changes in KCCP Chapter 1 and 2, K.C.C. Title 20</p>	<ul style="list-style-type: none"> 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.
<p>Transfer of Development Rights (TDR) Program</p> <p>Changes in KCCP Chapter 3, K.C.C. Title 21A</p>	<ul style="list-style-type: none"> 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
<p>Non-Resource Industrial Uses in the Rural Area</p> <p>Changes in KCCP Chapter 3</p>	<ul style="list-style-type: none"> Removes all changes related to the Non-Resource Industrial Uses in the Rural Area from Attachment A. The existing policy would remain in place.
<p>Agricultural Production Districts (APDs) and Public Infrastructure</p> <p>Changes in KCCP Chapter 3</p>	<ul style="list-style-type: none"> 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

Topic	S4 Changes from Executive's Proposal
	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.
Vaping Products Changes in KCCP Chapter 2 and 7	<ul style="list-style-type: none"> Clarifying changes to create consistency.
Human Services Role Changes in KCCP Chapter 4	<ul style="list-style-type: none"> Technical change.
Regional Affordable Housing Task Force Changes in KCCP Chapter 4	<ul style="list-style-type: none"> Includes additional context and next steps.
Cottage Housing Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> Clarifying changes. Modify height limit for cottage housing units to accommodate additional square footage allowance. 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. Provide specificity to façade requirements. Adds language requesting developments consider including a variety of housing sizes
Accessory Dwelling Units (ADUs) Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> 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. Clarifies height requirements. Removes outdated code language on subdivision of lots with ADUs. Allows townhouses to have accessory dwelling units.
Accessory Living Quarters (ALQs) Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> Changes that provide consistency with proposed ADU regulations: minimum lot area, height requirements, square footage allowance.
Sea Level Rise/ Climate Change/ Greenhouse Gas	<ul style="list-style-type: none"> Modify the policy from "shall" to "should" Clarify that the sea level rise protection area is 3 feet above

Topic	S4 Changes from Executive's Proposal
Mitigation Changes in KCCP Chapter 5, K.C.C. Title 20 and Title 21A	the 2020 FEMA maps. <ul style="list-style-type: none"> • Clarify the sea level rise risk area development regulations and variance procedures. Creates consistency with floodplain regulations also being considered by Council. • Engrosses changes made by Ordinance 19128 and makes changes to the sea level rise risk area development regulations, consistent with that ordinance. • Modifies Policy R-632 to encourage the County to require landowners converting forestlands to non-forest uses to mitigate the loss carbon sequestration capacity. • Modifies Policy E-215bb to address impacts of climate change to forestland. • Adds Workplan Action 18 to require a Forest Conversion Review Study.
Mineral Resources Changes in KCCP Chapter 3 and Chapter 9, K.C.C. Title 21A	<ul style="list-style-type: none"> • Clarify that coal mines, and oil and gas extraction are not permitted in unincorporated King County.
Fossil Fuel Facilities Changes in KCCP Chapter 3 and Chapter 9, K.C.C. Title 21A	<ul style="list-style-type: none"> • Streamlines lead-in text and policy language. • Streamlines definitions, including fossil fuels, fossil fuel facility, and different kinds of energy generation facilities. • 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. • Updates Chapter 21A.22 to include coal mines and fossil fuel facilities in periodic review for mineral extraction and materials processing. • Adds language to prohibit fossil fuel facilities from bypassing permit requirements by using nonconforming use chapter.
Hirst/water availability and exempt wells Changes in KCCP Chapter 3 and Chapter 9	<ul style="list-style-type: none"> • Clarifying changes for consistency.
Shoreline Master Program	<ul style="list-style-type: none"> • Clarifying changes for consistency. Technical edits to reflect engrossing of Ordinance 19034 into the KCCP.

Topic	S4 Changes from Executive's Proposal
Changes in KCCP Chapter 6, and K.C.C. Title 21A	
Pathways/ Sidewalks in Rural Area Changes in KCCP Chapter 8	<ul style="list-style-type: none"> • Adds safe routes to schools as a criteria for sidewalks in the rural area.
Mitigation Payment System Changes in KCCP Chapter 8	<ul style="list-style-type: none"> • No changes.
Economic Development Changes in KCCP Chapter 10	<ul style="list-style-type: none"> • Removes policy change.
Community Service Area (CSA) Subarea Planning Changes in KCCP Chapter 11 and Chapter 12, K.C.C. Title 2 and Title 20	<ul style="list-style-type: none"> • 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. • 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. • For Skyway-West Hill and North Highline, subarea plans would be transmitted to the Council in December 2021, for adoption in June 2022. • 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 planning program can be implemented before it is subject of audit review. • Adds a Workplan Action regarding anti-displacement strategies in Skyway-West Hill and North Highline.
Skyway-West Hill Plan, and associated Code changes, and map amendments – Proposed Ordinance,	<ul style="list-style-type: none"> • 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. • Does not repeal the West Hill Community Plan, which will remain in effect until the Skyway-West Hill Subarea Plan is

Topic	S4 Changes from Executive's Proposal
<p>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>	<p>adopted in 2022.</p> <ul style="list-style-type: none"> • Corrects references to the active subarea and community plans to reflect Skyway-West Hill Land Use Strategy • Added trails as an allowed use in the pedestrian-oriented commercial development SDO • Technical corrections to the Mixed-Use SDO • Updates Chapter 11 to reflect adoption of Land Use Strategy as Phase 1 of the Skyway-West Hill Subarea Plan. • Map amendments moved from Attachment G to Attachment D and all map amendments are renumbered (8.a., 8.b, etc.) • SWH Map amendments 4 and 12 are not included. • SWH Map amendments 6, 9, 10 and 11 are modified. • In the pedestrian-oriented SDO, made technical clarifications to the permitted uses, and modifications to design standards.
<p>Workplan Action Items</p> <p>Changes in KCCP Chapter 12, K.C.C. Title 20</p>	<ul style="list-style-type: none"> • Changes to the Workplan, and allowance to modify the Workplan with annual or midpoint updates if related to adopted scope of work. • Modifies 4 Workplan Actions to change the deadlines. • Clarification to name of GMPC Workplan Action Items • Changes to Action 1 to reflect changes made to the subarea planning program.
<p>Residential Density Incentives Program</p> <p>Changes in KCCP Chapter 12</p>	<ul style="list-style-type: none"> • Adds a Workplan Action to update Residential Density Incentive code.
<p>2024 Adoption/ Shifting 8-year process</p> <p>Changes in KCCP Chapter 12 (and others), K.C.C. Title 20</p>	<ul style="list-style-type: none"> • 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.
<p>Equity Impact Review for Upzones</p> <p>Changes in KCCP Chapter 2</p>	<ul style="list-style-type: none"> • 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.
<p>Real Property Asset Management Plan (RAMP)</p>	<ul style="list-style-type: none"> • 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

Topic	S4 Changes from Executive's Proposal
Changes in KCCP Chapter 9, K.C.C. Title 20 and Title 4	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.
Terminology and data updates, corrections Changes throughout KCCP, K.C.C. Title 20 and Title 21A	<ul style="list-style-type: none"> Consistency, technical edits.
Maps in KCCP – Attachment A Changes throughout KCCP	<ul style="list-style-type: none"> Technical changes to reflect other modifications from Executive's transmitted plan and error identification
Bear Creek Urban Planned Development Conversion Changes in KCCP Chapter 11, K.C.C. Title 21A	<ul style="list-style-type: none"> 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. Technical correction in Map Amendment 7.c. to conform to other changes made Changes for consistency with other changes made
Fall City Business District SDO Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> Adds parks as a permitted use in the Fall City Business District SDO.
Map Amendments Changes in K.C.C. Title 21A Changes in Attachment D (Land Use and Zoning Map Amendments) and Attachment G (Skyway-West Hill Land Use and Zoning Map Amendments)	<ul style="list-style-type: none"> Map Amendment 1b – remove existing p-suffix condition Map Amendment 2 to remove property additions to the APD. Map Amendment 3 – adds code changes related to project Map Amendments 7a-7h – amends map amendment 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 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

Topic	S4 Changes from Executive's Proposal
	<p>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.</p> <ul style="list-style-type: none"> • Adds Map Amendment 9 regarding Racetrack zoning. Repeals 2012 map amendment that has not been effectuated for the same property. • Consistency or technical changes to all map amendments
Transportation Appendix C to KCCP	<ul style="list-style-type: none"> • Technical changes
Transportation Appendix C1 to KCCP	<ul style="list-style-type: none"> • Technical changes
Winery/Brewery/ Distillery (WBD) Regulations	<ul style="list-style-type: none"> • Repeals Ordinance 19030, makes WBDs an unclassified use, and directs the Executive to transmit new legislation after the SEPA process is complete.

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