

Date Created:	6/1/23
Drafted by:	Jensen - PSB
Sponsors:	
Attachments:	To be filled in for transmittal

1 ..Title

2 AN ORDINANCE related to comprehensive planning;
3 amending To be filled in for transmittal ; recodifying To be
4 filled in for transmittal; creating new sections to To be
5 filled in for transmittal; adding a new chapters to K.C.C.
6 Title 21A; adding a new chapters to K.C.C. Title 24 and
7 repealing To be filled in for transmittal.

8 ..Body

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION X. Findings:

11 A. To be filled in for transmittal.

12 SECTION X. A. Attachments X and X to this ordinance are adopted as the 2024
13 King County Comprehensive Plan.

14 B. The elements of the 2024 King County Comprehensive Plan in Attachment X to
15 this ordinance are hereby amended to read as set forth in this ordinance and are incorporated
16 herein by this reference.

17 C. The elements of the King County Shoreline Master Program in sections X and X
18 of this ordinance and in King County Comprehensive Plan chapter six of Attachment X to
19 this ordinance are hereby amended to read as set forth in this ordinance and are incorporated
20 herein by this reference.

Commented [JC1]: Section numbers to be filled in for transmittal

Commented [JC2]: Attachment letters to be filled in for transmittal

21 D. The Snoqualmie Valley/Northeast King County Community Service Area
22 Subarea Plan in Attachment X to this ordinance is hereby adopted as an amendment to and
23 an element of the 2024 King County Comprehensive Plan.

24 E. Attachment X to this ordinance are adopted as amendments to the Vashon Maury
25 Island Community Service Area Subarea Plan, as adopted in Ordinance 18623 and its
26 attachments and as amended by Ordinances 18810 and 19146.

27 F. The land use and zoning amendments in sections X and X of this ordinance and
28 Attachment X to this ordinance are hereby adopted as amendments to Appendix A to
29 Ordinance 12824, as amended, and as the official land use and zoning controls for those
30 portions of unincorporated King County defined in those sections of this ordinance and
31 attachments to this ordinance.

32 G. The King County department of local services, permitting division, shall
33 update the geographic information system data layers accordingly to reflect adoption of
34 this ordinance.

35 SECTION X. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 are
36 hereby amended to read as follows:

37 A. The department of local services is responsible for managing and being
38 fiscally accountable for the permitting division and the road services division. The
39 department shall also administer the county roads function as authorized in applicable
40 sections of Titles 36 and 47 RCW and other laws, regulations and ordinances as may
41 apply. Consistent with Motion 15125, the department shall:

42 1. Work in partnership with each county council district to focus on
43 coordinating, enhancing and improving municipal services provided to the county's

44 unincorporated areas. To effectuate this partnership, the executive shall routinely and
45 proactively meet and collaborate with councilmembers representing the unincorporated
46 area about potential organizational, operational and other changes to county programs or
47 services that will affect unincorporated area residents;

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

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

51 a. improving the coordination of local services by county agencies through
52 increased collaboration;

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

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

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

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

62 f. pursuing innovative funding strategies.

63 B.1. The department shall also manage the development and implementation of
64 community service area subarea plans for the six rural community service area and five
65 urban unincorporated potential annexation area geographies in coordination with the

66 regional planning function in K.C.C. 2.16.025 and in accordance with the King County
67 Comprehensive Plan and state Growth Management Act.

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

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

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

74 c. establish performance metrics and monitoring for implementation of the
75 subarea plan. The performance metrics and monitoring shall be:

76 (1)(a) for subarea geographies that have a subarea plan adopted as of
77 December 2022, reviewed and jointly reported on by December 30, 2024, and every two
78 years thereafter; and

79 (b) for subarea geographies that do not have a subarea plan adopted as of
80 December 2022, reviewed and reported on the timelines established in subsection
81 B.2.c.(1)(a) of this section beginning no sooner than a two years after adoption; and

82 (2) informed and monitored by the community and the council;

83 d. use the tools and resources developed by the office of equity and social
84 justice to develop the scope of work and to develop, review, amend, adopt and implement
85 the subarea plan, including, but not limited to, community engagement, language access
86 and equity impact review tools. The county shall use, at minimum, the "County engages
87 in dialogue" and "County and community work together" levels of engagement as
88 outlined in the office of equity and social justice's Community Engagement Guide for the

Commented [JC3]: Updates reporting requirements for subarea plan performance metrics so that reporting on all adopted subarea plans will be due at the same time/consistent basis moving forward (rather than the current staggered timelines based on when each plan is adopted)

Commented [JC4]: Included to match existing performance metrics and monitoring language in subsection C below

89 scoping, development, review, amendment, adoption and implementation of the subarea
90 plan. The county shall include as an appendix to the subarea plan information detailing
91 the community engagement completed during the development of the subarea plan and
92 how the community engagement meets the requirements of this subsection B.2.d.;

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

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

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

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

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

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

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

118 2. Each community needs list shall:

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

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

124 c. be developed, reviewed, prioritized, amended, adopted and implemented
125 using tools and resources developed by the office of equity and social justice, including,
126 but not limited to, community engagement, language access and equity impact review
127 tools. The county shall use, at minimum, the ~~("County engages in dialogue" and)~~

128 "County and community work together" level((s)) of engagement as outlined in the office
129 of equity and social justice's Community Engagement Guide for the development,
130 review, amendment, adoption and implementation of the community needs list. The
131 county shall include as an appendix to the community needs list information detailing the
132 community engagement completed during the development of the community needs list
133 and how the community engagement meets the requirements of this subsection C.2.c.

Commented [JC5]: Updated to reflect the following 2024 scope item:
Review the requirements and process for developing community needs lists, including evaluating whether and how community engagement could occur at the "county and community work together" level of engagement as outlined in the Office of Equity and Social Justice (OESJ) Community Engagement Guide

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commented [JC6]: moving timeline for subarea plan performance metrics reporting to subsection B above to reflect existing intent

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

Commented [JC7]: Removes outdated requirements that have already been satisfied

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

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

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

Commented [JC8]: Removes outdated requirements that have already been satisfied

194 D.1. The department shall also manage the community service area framework
195 adopted by Ordinance 17139, which shall be called the community service area program.
196 The community service area program shall develop and implement programs and services
197 to help all residents of unincorporated King County be more knowledgeable of, better
198 served by and heard by King County departments and agencies. The community service
199 area program shall work with all county departments and agencies whose services,
200 programs and projects are of interest to unincorporated area residents, to promote
201 successful public engagement.

202 2. A work program shall be developed for each subarea geography described in
203 subsection B. of this section and shall:

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

207 b. address the required elements in Ordinance 17139;

208 c. list potential action items for the area;

209 d. list known planning activities for the area;

210 e. identify public meetings for the area;

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

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

220 h. establish performance metrics to monitor the implementation of the work
221 program.

222 3. The community service area program shall provide regular updates to the
223 councilmember or councilmembers who represent the subarea geography on the progress

224 of the work program throughout the year and shall publish regular reports on the work
225 program to its website, at least once per quarter.

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

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

233 2. Service partnerships agreements shall:

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

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

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

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

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

246 c. goals for the partner agency to achieve the emphasis on local service
247 delivery described in Motion 15125 and this section, including:
248 (1) the desired outcomes for provision of each program, service or facility;
249 and
250 (2) service level goals for each program, service or facility;
251 d. performance metrics to monitor progress of implementing the outcomes and
252 service level goals for each program, service or facility;
253 e. use of the community service area work programs in local service delivery
254 by the partner agency; and
255 f. the current adopted community needs lists and associated performance
256 metrics for monitoring and reporting on the progress the county agencies have made on
257 items on the lists that they are responsible for.

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

263 5.) The service partnership agreements, after they are established, shall be
264 updated concurrent with the development of the biennial budget and shall be transmitted
265 to the council as part of the supporting material for the executive's proposed biennial
266 budget. In addition to the requirements for service partnership agreements described in
267 subsection E. of this section, the updates shall include evaluation and reporting on the

Commented [JC9]: Removes outdated requirements that have already been satisfied

268 goals and performance metrics identified in the previous service partnership agreement
269 and in the community needs list.

270 F. Until an ordinance that makes changes to the King County Code required in
271 Ordinance 18791, Section 217, is effective, the permitting division shall be considered
272 the successor agency to the department of permitting and environmental review.
273 Therefore, upon effectiveness of Ordinance 18791 and until an ordinance required by
274 Ordinance 18791, Section 217, is effective, where the code states or intends a decision to
275 be made or action to be implemented by the department of permitting and environmental
276 review, those decisions or actions shall be performed by the permitting division.

277 G.1. The duties of the permitting division shall include the following:

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

281 b. participating on the interbranch regional planning team as specified in
282 K.C.C. 2.16.025;

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

288 d. effective processing and timely review of land development proposals,
289 including zoning variance and reclassification, master drainage plans, variances from the
290 surface water design manual and the King County road standards, critical area,

291 subdivision, right-of-way use, (~~urban planned development,~~) clearing and grading,
292 shoreline, special use and conditional use applications;
293 e. pursuing and resolving code violations, including preparing for
294 administrative or legal actions, evaluating the department's success in obtaining
295 compliance with King County rules and regulations and designing measures to improve
296 compliance;
297 f. regulating the operation, maintenance and conduct of county-licensed
298 businesses, except taxicab and for-hire drivers and vehicles; and
299 g. developing and implementing an inspection program to identify fire hazards
300 and require conformance with K.C.C. Title 17, reviewing building plans and applications
301 for compliance with K.C.C. Title 17 and conducting inspections, including inspections of
302 new construction, for compliance with K.C.C. Title 17.

303 2. The permitting division manager shall be the:

304 a. county planning director;
305 b. zoning adjuster;
306 c. responsible official for purposes of administering the state Environmental
307 Policy Act;
308 d. county building official; and
309 e. county fire marshal.

310 3. The manager may delegate the functions in subsection G.2. of this section to
311 qualified subordinates.

312 H. The road services division is responsible for designing, constructing,
313 maintaining and operating a comprehensive system of roadways and other transportation

Commented [JC10]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

314 facilities and services to support a variety of transportation modes for the safe and
315 efficient movement of people and goods and delivery of services. The duties of the
316 division shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

358 SECTION X. Ordinance 18326, Section 3, and K.C.C. 6.70.010 are hereby
359 amended to read as follows:

360 It is the purpose of this chapter to establish business licensing standards for
361 ~~((marijuana))~~ cannabis retail activities and businesses licensed by the Washington state
362 Liquor and Cannabis Board and located in unincorporated King County, in order to
363 promote and protect the health, safety and general welfare of unincorporated King
364 County's residents.

365 SECTION X. Ordinance 18326, Section 4, and K.C.C. 6.70.020 are hereby
366 amended to read as follows:

367 A person or entity shall not operate or maintain a retail ~~((marijuana))~~ cannabis
368 business in unincorporated King County unless the business has obtained a business
369 license issued by the director as provided by this chapter. A current ~~((marijuana))~~
370 cannabis retail business license issued under this chapter shall be prominently displayed
371 on the licensed premises.

372 SECTION X. Ordinance 18326, Section 5, and K.C.C. 6.70.030 are hereby
373 amended to read as follows:

374 An application for a retail ~~((marijuana))~~ cannabis business license or license
375 renewal must be submitted in the name of the person or persons or the entity proposing to
376 operate the business. The application shall be signed by each person, or a responsible
377 ~~((principle))~~ principal or officer of any entity, proposing to operate the business, certified
378 as true under penalty of perjury. All applications shall be submitted on a form supplied
379 by the director, and shall include the following:

Commented [JC11]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC12]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC13]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC14]: typo

380 A. The full name, birthdate, current residential, email and mailing address of
381 each person, including all partners if the applicant is a partnership, and all officers or
382 ~~((principles))~~ principal if the applicant is a corporation or limited liability company, with
383 a financial interest in the business; and the Universal Business Identifier number, the
384 identity of the registered agent and the address of the ~~((principle))~~ principal office, if the
385 applicant is a corporation or limited liability company;

Commented [JC15]: typo

Commented [JC16]: typo

386 B. The name, street address and telephone number of the retail ~~((marijuana))~~
387 cannabis business;

388 C. A copy of the Washington state Liquor and Cannabis Board retail
389 ~~((marijuana))~~ cannabis license associated with the business address or, if a state license
390 has not been issued, a complete copy of a retail ~~((marijuana))~~ cannabis license application
391 submitted to and accepted by the Washington state Liquor and Cannabis Board; and

392 D. A copy of a medical ~~((marijuana))~~ cannabis endorsement approval letter
393 issued by the Washington state Liquor and Cannabis Board, if applicable.

394 SECTION X. Ordinance 18326, Section 6, as amended, and K.C.C. 6.70.040 are
395 hereby amended to read as follows:

Commented [JC17]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

396 An applicant for a retail ~~((marijuana))~~ cannabis business license or renewal under
397 this chapter shall pay an application fee at the time of application submittal. The
398 nonrefundable application fee for a retail ~~((marijuana))~~ cannabis business license or
399 renewal is one thousand dollars. The nonrefundable application fee for a retail
400 ~~((marijuana))~~ cannabis business license or renewal shall be reduced by fifty percent if at
401 the time of application, the applicant shows proof of a current medical ~~((marijuana))~~
402 cannabis endorsement issued by the Washington state Liquor and Cannabis Board.

403 SECTION X. Ordinance 18326, Section 8, as amended, and K.C.C. 6.70.060 are
404 hereby amended to read as follows:

405 A retail ((~~marijuana~~)) cannabis business license expires one year from the date the
406 business license is issued by the department of local services, permitting division. To
407 avoid a lapse in the effectiveness of a license, an application to renew a license must be
408 submitted to the director, on a form provided by the director, at least thirty days before
409 the expiration of the business license. A retail ((~~marijuana~~)) cannabis business license
410 renewal expires one year from the previous license's expiration date.

411 SECTION X. Ordinance 18326, Section 9, and K.C.C. 6.70.070 are hereby
412 amended to read as follows:

413 Within thirty days of the director's receipt of a complete retail ((~~marijuana~~))
414 cannabis business license application, the director shall issue or deny the license. Within
415 thirty days of the director's receipt of a complete renewal application, the director shall
416 issue or deny the renewal.

417 SECTION X. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are
418 hereby amended to read as follows:

419 The definitions in this section apply throughout this chapter unless the context
420 clearly requires otherwise.

421 A. "Adjustment" means a department-approved variation in the application of the
422 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular
423 project in accordance with K.C.C. 9.04.050.C. "Adjustment" replaces "variance," which
424 was used in prior editions of the Surface Water Design Manual.

Commented [JC18]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC19]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

425 B. "Applicant" means a property owner or a public agency or public or private
426 utility that owns a right-of-way or other easement or has been adjudicated the right to such
427 an easement under RCW 8.12.090, or any person or entity designated or named in writing
428 by the property or easement owner to be the applicant, in an application for a development
429 proposal, permit or approval.

430 C. "Basin" means a geographic area that contains and drains to a stream or river
431 named and noted on common maps, such as the Cedar river, Sammamish river, Green river,
432 Snoqualmie river, Skykomish river or White river, or a geographic area that drains to a
433 nonflowing water body named and noted on common maps, such as Lake Washington or
434 Puget Sound.

435 D. "Basin plan" means a plan and all implementing regulations and procedures
436 including, but not limited to, capital projects, public education activities and land use
437 management adopted by ordinance for managing surface water and stormwater within the
438 basin.

439 E. "Best management practice" or "BMP" means any schedule of activities,
440 prohibition of practices, maintenance procedure, or structural and/or managerial practice
441 approved by King County that, when used singly or in combination, prevents or reduces the
442 release of pollutants and other adverse impacts to surface water, stormwater and
443 groundwater.

444 F. "Closed depression" means an area greater than five thousand square feet at
445 overflow elevation that is low-lying and that has no or such a limited surface water outlet
446 that the area acts as a stormwater retention facility.

447 G. "Construct or modify" means to install a new drainage pipe or ditch or make
448 improvements to an existing drainage pipe or ditch, for purposes other than maintenance,
449 that either serves to concentrate previously unconcentrated surface water or stormwater
450 runoff or serves to increase, decrease or redirect the conveyance of surface water or
451 stormwater runoff. "Construct or modify" does not include installation or maintenance of a
452 driveway culvert installed as part of a single-family residential building permit.

453 H. "Construction stormwater pollution prevention BMP" means a control or
454 measure that prevents or reduces the discharge of pollutants and sediments resulting from
455 construction activities.

456 I. "Conveyance system" means the drainage facilities and features, both natural and
457 constructed, that provide for the collection and transport of surface water or stormwater
458 runoff. The natural elements of the "conveyance system" include swales and small drainage
459 courses, streams, rivers, lakes and wetlands. The constructed elements of the "conveyance
460 system" include gutters, ditches, pipes, catch basins, channels and most flow control and
461 water quality facilities.

462 J. "Department" means the department of natural resources and parks or its
463 successor.

464 K. "Development" means any activity that requires a permit or approval, including,
465 but not limited to, a building permit, grading permit, shoreline substantial development
466 permit, conditional use permit, special use permit, zoning variance or reclassification,
467 subdivision, short subdivision, ~~((urban planned development,))~~ binding site plan, site
468 development permit or right-of-way use permit. "Development" does not include forest
469 management activities, as defined in K.C.C. chapter 21A.06.

Commented [JC20]: To reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

470 L. “Directed drainage review” means the drainage review for a proposed single
471 family residential project or agricultural project that is not subject to simplified or large
472 project drainage review.

473 M. "Director" means the director of the department of natural resources and parks,
474 or the authorized representatives of the director, including compliance officers and
475 inspectors whose responsibility includes the detection and reporting of code violations.

476 N. "Drainage" means the collection, conveyance, containment or discharge, or any
477 combination thereof, of stormwater runoff or surface water.

478 O. "Drainage facility" means a constructed or engineered feature that collects,
479 conveys, stores, treats or otherwise manages stormwater runoff or surface water. “Drainage
480 facility” includes, but is not limited to, a constructed or engineered stream, lake, wetland or
481 closed depression, or a pipe, channel, ditch, gutter, flow control facility, flow control BMP,
482 water quality facility, erosion and sediment control facility and any other structure and
483 appurtenance that provides for drainage.

484 P. "Drainage review" means an evaluation by King County staff of a proposed
485 project's compliance with the drainage requirements in the Surface Water Design Manual.
486 The types of drainage review include: simplified drainage review, targeted drainage review,
487 directed drainage review, full drainage review and large project drainage review.

488 Q. "Erosion and sediment control" means any temporary or permanent measures
489 taken to reduce erosion, control siltation and sedimentation and ensure that sediment laden
490 water does not leave the site or enter into wetlands or aquatic areas.

491 R. "Financial guarantee" means a form of financial security posted to do one or
492 more of the following: ensure timely and proper completion of improvements; ensure

493 compliance with the King County Code; or provide secured warranty of materials, quality of
494 work of the improvements and design. “Financial guarantees” include assignments of
495 funds, cash deposit, surety bonds or other forms of financial security acceptable to the
496 department of local services permitting division manager or designee. “Performance
497 guarantee,” “maintenance guarantee” and “defect guarantee” are considered subcategories
498 of financial guarantee.

499 S. “Flood hazard management plan” means a plan and all implementing goals,
500 objectives, guiding principles, policies and programs, including, but not limited to, capital
501 projects, public outreach and education activities and enforcement programs for reduction of
502 flood risks and prepared in accordance with RCW 86.12.200.

503 T. “Flow control BMP” means small scale drainage facility or feature that is part of
504 a development site strategy to use processes such as infiltration, dispersion, storage,
505 evaporation, transpiration, forest retention and reduced impervious surface ~~((foot print))~~
506 footprint to mimic predeveloped hydrology and minimize ~~((stormwater))~~ stormwater runoff.

Commented [JC21]: typo

Commented [JC22]: typo

507 “Flow control BMPs” include the methods and designs specified in the Surface Water
508 Design Manual. Flow control BMPs are also known as low impact development, or LID,
509 BMPs.

510 U. “Flow control facility” means a drainage facility designed in accordance with the
511 drainage requirements in this chapter to mitigate the impacts of increased stormwater runoff
512 generated by site development. A “flow control facility” is designed either to hold water for
513 a considerable length of time and then release it by evaporation, plant transpiration or
514 infiltration into the ground or to hold runoff for a short period of time and then release it to
515 the conveyance system.

516 V. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for any
517 proposed project, unless the project is subject to simplified drainage review, directed
518 drainage review, targeted drainage review or large project drainage review, that:

519 1. Would result in two thousand square feet or more of new impervious surface,
520 replaced impervious surface or new plus replaced impervious surface; or

521 2. Would result in seven thousand square feet or more of land disturbing activity.

522 W. "Groundwater" means all water found in the soil and stratum beneath the land
523 surface or beneath the bed of any surface water.

524 X. "High-use site" means the area of a commercial, industrial or road intersection
525 site that generates a higher than average number of vehicle turnovers or has other
526 characteristics that generate the potential for chronic oil accumulation. "High use site"
527 includes:

528 1. The area of a commercial or industrial site subject to:

529 a. an expected daily traffic count greater than one hundred vehicles per one
530 thousand square feet of gross building area;

531 b. petroleum storage or transfer in excess of one thousand five hundred gallons
532 per year, not including routine heating oil storage or transfer at the end-user point of
533 delivery; or

534 c. use, storage or maintenance of a fleet of twenty-five or more diesel or jet fuel
535 vehicles each weighing over ten tons; or

536 2. A road intersection with average daily traffic counts of twenty-five thousand
537 vehicles or more on the main roadway and fifteen thousand or more vehicles on any
538 intersecting roadway, excluding pedestrian or bicycle use improvement projects.

539 Y. "Hydraulically connected" means connected through surface flow or water
540 features such as wetlands or lakes.

541 Z. "Impervious surface" means a hard surface area that either prevents or retards the
542 entry of water into the soil mantle as under natural conditions before development or that
543 causes water to run off the surface in greater quantities or at an increased rate of flow from
544 the flow present under natural conditions before development. Common impervious
545 surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots,
546 storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or
547 other surfaces that similarly impede the natural infiltration of surface water or stormwater.
548 For purposes of applying the impervious surface thresholds in this chapter, permeable
549 pavement, vegetated roofs and underdrained pervious surfaces are considered "impervious
550 surface," while an open uncovered flow control or water quality facility is not.

551 AA. "Improvement" means a permanent, human-made, physical change to land or
552 real property including, but not limited to, buildings, streets, driveways, sidewalks,
553 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and
554 landscaping.

555 BB. "Land disturbing activity" means an activity that results in a change in the
556 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.
557 "Land disturbing activity" includes, but is not limited to, demolition, construction, clearing,
558 grading, filling, excavation and compaction. "Land disturbing activity" does not include
559 tilling conducted as part of agricultural practices, landscape maintenance or gardening.

560 CC. "Lake management plan" means a plan describing the lake management
561 recommendations and requirements adopted by public rule for managing water quality
562 within individual lake basins.

563 DD. "Large project drainage review" means the evaluation required by K.C.C.
564 9.04.030 for any proposed project that:

565 1. ~~((Has an urban plan development land use designation in the King County
566 Comprehensive Plan land use map;~~

567 2.)) Would, at full buildout of the project site, result in fifty acres or more of new
568 impervious surface within a drainage subbasin or a number of subbasins hydraulically
569 connected across subbasin boundaries; or

570 ~~((3.))~~ 2. Has a project site of fifty acres or more within a critical aquifer recharge
571 area, as defined in K.C.C. Title 21A.

572 EE. "Licensed civil engineer" means a person registered with the State of
573 Washington as a professional engineer in civil engineering.

574 FF. "Maintenance" means those usual activities taken to prevent a decline, lapse or
575 cessation in the use of currently serviceable structures, facilities, equipment or systems, if
576 there is no expansion of the structure, facilities, equipment or system and there are no
577 significant hydrologic impacts. "Maintenance" includes the repair or replacement of
578 nonfunctional facilities or the replacement of existing structures with different types of
579 structures, if the repair or replacement is required by one or more environmental permits or
580 to meet current engineering standards and the functioning characteristics of the original
581 facility or structure are not changed.

Commented [JC23]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

582 GG. "Master drainage plan" means a comprehensive drainage control plan required
583 for projects subject to large project drainage review and intended to prevent significant
584 adverse impacts to surface water and groundwater, both onsite and offsite.

585 HH. "Native vegetated surface" means a surface in which the soil conditions,
586 ground cover and species of vegetation are like those of the original native condition for the
587 site, as more specifically set forth in the Surface Water Design Manual.

588 II. "Natural discharge location" means the location where runoff leaves the project
589 site under existing site conditions as defined in the Surface Water Design Manual.

590 JJ. "Natural hazard" means a condition in land or water, or both, that arises in whole
591 or in part out of natural processes and that creates a threat of immediate and substantial
592 harm. A "natural hazard" may include, but is not limited to, a beaver dam, a debris dam in a
593 stream, severe erosion at the base of a steep slope or a stream displaced from its original
594 channel.

595 KK. "New impervious surface" means the creation of impervious surface or the
596 addition of a more compacted surface such as the paving of existing dirt or gravel.

597 LL. "New pervious surface" means the conversion of a native vegetated surface or
598 other native surface to a nonnative pervious surface, including, but not limited to, pasture
599 land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing
600 nonnative pervious surface that results in increased stormwater runoff as defined in the
601 Surface Water Design Manual.

602 MM. "Pollution-generating impervious surface" means an impervious surface
603 considered to be a significant source of pollutants in stormwater runoff. "Pollution-
604 generating impervious surface" includes those surfaces subject to vehicular use; industrial

605 activities; or storage of erodible or leachable materials, wastes or chemicals and that receive
606 direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be
607 included if runoff from uphill could regularly run through it or if rainfall could regularly
608 blow in and wet the pavement surface. Metal roofs are also considered pollution-generating
609 impervious surface unless they are treated to prevent leaching. Roofs exposed to the venting
610 of significant amounts of dusts, mists or fumes from manufacturing, commercial or other
611 indoor activities are also included, as are vegetated roofs exposed to pesticides, fertilizers or
612 loss of soil.

613 NN. "Pollution-generating pervious surface" means a nonimpervious surface
614 considered to be a significant source of pollutants in stormwater runoff. "Pollution-
615 generating pervious surfaces" include: surfaces subject to vehicular use, industrial activities,
616 storage of erodible or leachable materials, wastes or chemicals, and that receive direct
617 rainfall or the run-on or blow-in of rainfall; or surfaces subject to the use of pesticides and
618 fertilizers to the loss of soil. "Pollution-generating pervious surface" includes, but is not
619 limited to, the lawn and landscaped areas of a residential, commercial or industrial site or
620 land use, golf course, park, sports field and county-standard grassed modular grid pavement.

621 OO. "Project" means any proposed action to alter or develop a site that may also
622 require drainage review.

623 PP. "Project site" means the portion of a site and any offsite areas subject to
624 proposed project activities, alterations and improvements including those required by this
625 chapter.

626 QQ. "Redevelopment project" means a project that proposes to add, replace or
627 modify impervious surface for purposes other than a residential subdivision or maintenance
628 on a site that:

629 1. Is already substantially developed in a manner that is consistent with its current
630 zoning or with a legal nonconforming use; or

631 2. Has an existing impervious surface coverage of thirty-five percent or more.

632 RR. "Replaced impervious surface" means an existing impervious surface proposed
633 to be removed and reestablished as impervious surface, excluding impervious surface
634 removed for the sole purpose of installing utilities or performing maintenance. For
635 structures, "removed" means the removal of buildings down to the foundation. For other
636 impervious surfaces, "removed" means the removal down to base course or bare soil. For
637 purposes of this definition, "base course" means the layer of crushed rock that typically
638 underlies an asphalt or concrete pavement.

639 SS. "Salmon conservation plan" means a plan and all implementing regulations and
640 procedures including, but not limited to, land use management adopted by ordinance, capital
641 projects, public education activities and enforcement programs for conservation and
642 recovery of salmon within a water resource inventory area designated by the state under
643 WAC 173-500-040.

644 TT. "Shared facility" means a drainage facility designed to meet one or more of the
645 requirements of K.C.C. 9.04.050 for two or more separate projects contained within a basin.
646 Shared facilities usually include shared financial commitments for those drainage facilities.

647 UU. "Simplified drainage review" means the drainage review for a proposed single-
648 family residential project or agricultural project that:

649 1. Would result in impervious and new pervious surface insufficient to require a
650 flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface Water
651 Design Manual; and

652 2. Meets the simplified drainage requirements and BMPs specified in the Surface
653 Water Design Manual, including flow control BMPs, construction stormwater pollution
654 prevention BMPs, and drainage plan submittal requirements.

655 VV. "Site" means a single parcel, or either two or more contiguous parcels that are
656 under common ownership or documented legal control or a portion of single parcel under
657 documented legal control separate from the remaining parcel, used as a single parcel for a
658 proposed project for purposes of applying for authority from King County to carry out a
659 proposed project. For projects located primarily within dedicated rights-of-way, "site"
660 includes the entire width of right-of-way subject to improvements proposed by the project.

661 WW. "Stormwater" means the water produced during precipitation or snowmelt,
662 which runs off, soaks into the ground or is dissipated into the atmosphere. Stormwater that
663 runs off or soaks into the ground ultimately becomes surface water or groundwater.

664 XX. "Stormwater compliance plan" means a plan or study and all regulations and
665 procedures that have been adopted by the county to implement the plan or study, including,
666 but not limited to, capital projects, public education activities and enforcement programs for
667 managing stormwater quantity and quality discharged from the county's municipal separate
668 storm sewer system in compliance with the National Pollutant Discharge Elimination
669 System permit program under the Clean Water Act.

670 YY. "Stormwater runoff" means stormwater that flows over, or just below, the
671 surface where it fell or melted. "Stormwater runoff" contributes to and becomes surface
672 water or groundwater.

673 ZZ. "Subbasin" means a geographic area that:

- 674 1. Drains to a stream or water body named and noted on common maps; and
- 675 2. Is contained within the basin of the stream or water body.

676 AAA. "Surface water" means the water that exists on land surfaces before, during,
677 and after stormwater runoff occurs and includes, but is not limited to, the water found on
678 ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes,
679 wetlands and Puget Sound. It also includes shallow groundwater.

680 BBB. "Surface Water Design Manual" means the manual, and supporting
681 documentation referenced or incorporated in the manual, describing surface and stormwater
682 design and analysis requirements, procedures and guidance. The "Surface Water Design
683 Manual" is formally adopted by rule under the procedures of K.C.C. chapter 2.98 and is
684 available from the department of local services, permitting division, or the department of
685 natural resources and parks, water and land resources division, or their successors.

686 CCC. "Targeted drainage review" means an abbreviated evaluation required by
687 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large
688 project drainage review. Targeted drainage review may be required for some projects in
689 simplified drainage review.

690 DDD. "Water quality facility" means a drainage facility designed in accordance
691 with the drainage requirements in this chapter to mitigate the impacts of increased pollutants
692 in stormwater runoff generated by site development. A "water quality facility" uses

693 processes that include but are not limited to settling, filtration, adsorption and absorption to
694 decrease pollutant concentrations and loadings in stormwater runoff.

695 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 14.01 a
696 new section to read as follows:

697 "Active Transportation" means pedestrian, bicycle, and equestrian travel and the
698 facilities needed to support such travel.

699 SECTION X. Ordinance 18420, Section 37, and K.C.C. 14.01.360 are hereby
700 amended to read as follows:

701 "Transportation facilities" means principal, minor and collector arterial roads and
702 state highways, as well as associated sidewalks, bike lanes and other facilities supporting
703 ~~((nonmotorized travel))~~ active transportation.

704 SECTION X. Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020 are
705 hereby amended to read as follows:

706 There is established an an ~~((nonmotorized))~~ active transportation program. The
707 program shall consist of the ~~((nonmotorized))~~ active transportation policies in the King
708 County Comprehensive Plan and the respective functional plans of the responsible county
709 agencies, ~~((nonmotorized))~~ active transportation project needs contained in agency capital
710 improvement programs and operational activities that:

711 A. Identify and document the ~~((nonmotorized))~~ active transportation needs in the
712 county for bicyclists, pedestrians, equestrians and special populations such as school
713 children or people with limited mobility and wheelchair users;

714 B. Determine ways that ~~((nonmotorized))~~ active transportation can be integrated
715 into the current and future county transportation network and services, including transit;

Commented [JC24]: To reflect terminology changes from "nonmotorized" to "active transportation" (except if Parks' trails are implicated) to reflect current terminology.

Commented [JC25]: Changing "nonmotorized" to "active transportation" (except if Parks' trails are implicated) to reflect current terminology.

Commented [JC26]: Changing "nonmotorized" to "active transportation" (except if Parks' trails are implicated) to reflect current terminology.

716 C. Inform and educate the public on issues relating to ((nonmotorized)) active
717 transportation, including compliance with traffic laws; and

718 D. Consider ((nonmotorized)) active transportation safety and other needs in all
719 related county programs, and encourage the same consideration on an interlocal and
720 regional basis.

721 SECTION X. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are
722 hereby amended to read as follows:

Commented [JC27]: Changing "nonmotorized" to "active transportation" (except if Parks' trails are implicated) to reflect current terminology.

723 The department of local services shall:

724 A. Implement the ((nonmotorized)) active transportation program;

725 B. Provide support to any ad hoc ((nonmotorized)) active transportation advisory
726 committee; and

727 C. Work with other jurisdictions and nongovernmental organizations to identify,
728 develop and promote programs that encourage the use of ((nonmotorized)) active modes
729 of transportation.

730 SECTION X. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are
731 hereby amended to read as follows:

732 Certain words and phrases used in this chapter, unless otherwise clearly indicated by
733 their context, mean as follows:

734 A. "Applicant" means a property owner or a public agency or public or private
735 utility that owns a right-of-way or other easement or has been adjudicated the right to such
736 an easement in accordance with RCW 8.12.090, or any person or entity designated or named
737 in writing by the property or easement owner to be the applicant, in an application for a
738 development proposal, permit or approval.

739 B. "Bench" means a relatively level step excavated or constructed on the face of a
740 graded slope surface for drainage and maintenance purposes.

741 C. "Civil engineer" means an engineer who is licensed as a professional engineer in
742 the branch of civil engineering by the state of Washington.

743 D. "Clearing and grading permit" means the permit required by this chapter for
744 grading and clearing activities, including temporary permits.

Commented [JC28]: Changing to "clearing & grading permit" as the rest of the code refers to it in this order, rather than "grading and clearing" in definition below

745 E. "Clearing" means the cutting, killing, grubbing or removing of vegetation or
746 other organic material by physical, mechanical, chemical or any other similar means.

747 ~~((E.))~~ F. "Compaction" means the densification of a fill by mechanical means.

748 ~~((F.))~~ G. "Cutting" means the severing of the main trunk or stem of woody
749 vegetation at any point.

750 ~~((G.))~~ H. "Department" means the department of local services or its successor.

751 ~~((H.))~~ I. "Director" means the department of local services permitting division
752 manager or designee.

753 ~~((I.))~~ J. "Earth material" means any rock, natural soil or any combination thereof.

754 ~~((J.))~~ K. "Erosion" means the wearing away of the ground surface as the result of
755 the movement of wind, water or ice.

756 ~~((K.))~~ L. "Excavation" means the removal of earth material.

757 ~~((L.))~~ M. "Fill" means a deposit of earth material or recycled or reprocessed waste
758 material consisting primarily of organic or earthen materials, or any combination thereof,
759 placed by mechanical means.

760 ~~(M.)~~ N. "Geotechnical engineer" means an engineer who is licensed as a
761 professional engineer by the state of Washington and who has at least four years of relevant
762 professional employment.

763 ~~(N.)~~ O. "Grade" means the elevation of the ground surface.

764 1. "Existing grade" means the grade before grading.

765 2. "Finish grade" means the final grade of the site that conforms to the approved
766 plan as required in K.C.C. 16.82.060.

767 3. "Rough grade" means the stage at which the grade approximately conforms to
768 the approved plan as required in K.C.C. 16.82.060.

769 ~~(O.)~~ P. "Grading" means any excavating, filling or land-disturbing activity, or
770 combination thereof.

771 ~~(P. "Grading and clearing permit" means the permit required by this chapter for
772 grading and clearing activities, including temporary permits.)~~

773 Q. "Habitable space" means a space in a building for living, sleeping, eating or
774 cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas
775 are not considered habitable spaces.

776 R. "Land disturbing activity" means an activity that results in a change in the
777 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

778 S. "Pruning" means cutting or removal of branches and leaving at least two-thirds of
779 the existing tree branch structure.

780 ~~(R.)~~ T. "Reclamation" means the final grading and restoration of a site to establish
781 the vegetative cover, soil surface water and groundwater conditions appropriate to
782 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

Commented [JC29]: To support clearing/grade code changes related to wildfire preparedness later in this ordinance.

This definition is consistent with the International Building Code

Commented [JC30]: To support clearing/grade code changes related to wildfire preparedness later in this ordinance.

783 ~~((S-))~~ U. "Shorelines" means those lands defined as shorelines in the state
784 Shorelines Management Act of 1971.

785 ~~((F-))~~ V. "Site" means a single lot or parcel of land two or more contiguous lots that
786 are under common ownership or documented legal control, used as a single parcel for a
787 development proposal in order to calculate compliance with the standards and regulations of
788 this chapter. For purposes of this definition:

789 1. "Documented legal control" includes fee simple or leasehold rights, or an
790 easement, or any combination thereof, that allows uses associated with the overall
791 development proposal; and

792 2. Lots that are separated only by a public road right-of-way shall be considered to
793 be contiguous.

794 ~~((U-))~~ W. "Slope" means inclined ground surface, the inclination of which is
795 expressed as a ratio of horizontal distance to vertical distance.

796 ~~((V-))~~ X. "Structural engineer" means an engineer who is licensed as a professional
797 engineer in the branch of structural engineering by the state of Washington.

798 ~~((W-))~~ Y. "Structure" means that which is built or constructed, an edifice or building
799 of any kind or any piece of work artificially built up or composed of parts jointed together in
800 some definite manner.

801 ~~((X-))~~ Z. "Tree" means a large woody perennial plant usually with a single main
802 stem or trunk and generally over twelve feet tall at maturity.

803 AA. "Tree crown" means the primary and secondary branches growing out from the
804 main stem, together with twigs and foliage.

Commented [JC31]: To support clearing/grade code changes related to wildfire preparedness later in this ordinance.
Definition consistent with the building code on Wildland-Urban Interface (WUI).

805 ~~((Y-))~~ BB. "Understory" means the vegetation layer of a forest that includes shrubs,
806 herbs, grasses and grass-like plants, but excludes native trees.

807 ~~((Z-))~~ CC. "Vegetation" means any organic plant life growing at, below or above the
808 soil surface.

809 SECTION X. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are
810 hereby amended to read as follows:

811 A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply
812 to the activities described in this section, if the terms are not already defined in K.C.C.
813 16.82.020.

Commented [JC32]: For clarity to reflect existing intent.

814 B. The following activities are ~~((excepted))~~ exempted from the requirement of
815 obtaining a clearing or grading permit before undertaking forest practices or clearing or
816 grading activities, as long as those activities conducted in critical areas are in compliance
817 with the standards in this chapter and in K.C.C. chapter 21A.24. Activities not requiring a
818 clearing and grading permit may require other permits, including, but not limited to, a
819 floodplain development permit.

Commented [JC33]: For clarity to reflect existing intent and consistency with other codes, such as K.C.C. Title 21A

820 C. Clearing and grading permit requirement exceptions shall be interpreted as
821 follows:

822 1. The use of "NP" in a cell means that no clearing or grading permit is required if
823 the listed conditions are met.

Commented [JC34]: This section is proposed for re-organization to help clarify interpretation of the table below.
This sentence from the end of this subsection

824 2. A number in a cell means the numbered condition in subsection E. applies.

825 a. Where a series of numbered conditions appear separated by commas, each of
826 the relevant conditions specified for that activity within the given critical area applies.

Commented [JC35]: Moving this up from within the table to be in the text and improve its prominence.

Commented [JC36]: This is the language to support "and" conditions

It is adapted from K.C.C. 21A.24.045 Allowed alterations C. "...Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity within the given critical area applies."

827 b. If more than one letter-number combination appears for an activity within the
 828 given critical area, the conditions for a minimum of one of the letter-number combinations
 829 provided needs to be met for a given exemption to apply.

Commented [JC37]: This is the language for “or”
 It is loosely adapted from K.C.C. 21.08.020 Interpretation of land use tables.
 G. “If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.”

830 3. In cases where an activity may be included in more than one activity category,
 831 the most-specific description of the activity shall govern whether a permit is required.

832 4. For activities involving more than one critical area, compliance with the
 833 conditions applicable to each critical area is required.

834 5. Clearing and grading permits are required when a cell in this table is empty and
 835 for activities not listed on the table. ((Activities not requiring a clearing and grading permit
 836 may require other permits, including, but not limited to, a floodplain development permit.))

Commented [JC38]: Moved to above.

837 D. Clearing and grading permit requirement exceptions.

Commented [JC39]: To match restructure

Out of	Coal	Erosion	Flood	Chann	Landsli	Seismi	Volca	Steep	Critical	Wetla	Aquati
Critical Area (Land and Buffer)) and "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	Mine Hazard	Hazard	Hazard	el d Migrat ion	de Hazard and Buffer	c Hazard d	nic Hazard d	Slope Hazard and Buffer	Aquifer Recharg e Area	nd and Buffer	c Area and Buffer
ACTIVITY											
Grading and Clearing											
Grading	NP 1, 2	NP 1, 2	NP 1, 2			NP 1, 2	NP 1, 2		NP 1, 2		

Commented [JC40]: moved to above.

Commented [JC41]: Fixing typo to reflect original intent

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Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3	NP 3			NP 3	NP 3		NP 3	NP 4 NP 23	NP 4 NP 23
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6											
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	NP 25		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12		NP 12	NP 12	NP 12							
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Utilities													

Commented [JC42]: Scope III.A.6.
To support clearing/grade code changes related to wildfire preparedness later in this section.

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Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3 <u>NP</u> <u>27</u> <u>NP</u> <u>28</u>		NP 1, 2, 3					NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3		
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recreation areas													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 2	NP 1, 22	NP 22	NP 22

Commented [JC43]: Scope III.A.6.
To support clearing/grade code changes related to wildfire preparedness later in this section.

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Beaver dam management	NP	NP	NP	NP	NP		NP	NP		NP	NP	NP	
	29	29	29	29	29		29	29		29	29	29	
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP												
Grazing livestock	NP												
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance or replacement of agricultural drainage	NP 15												
Maintenance of agricultural waterway	NP 26												
Maintenance of farm pond, fish pond, livestock watering pond	NP 15												
Other													
Excavation of cemetery grave in established and approved cemetery	NP												
Maintenance of cemetery grave	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13			NP 13	NP 13	NP 13	NP 13	NP 13

Commented [JC44]: Scope III.B
Allows for management of beaver dams in accordance with new proposed changes and development conditions in the clearing/grading code

838

((C)) E. The following conditions apply:

839 1. Excavation less than five feet in vertical depth, or fill less than three feet in
840 vertical depth that, cumulatively over time, does not involve more than one hundred cubic
841 yards on a single site.

842 2. Grading that produces less than two thousand square feet of new impervious
843 surface on a single site added after January 1, 2005, or that produces less than two thousand
844 square feet of replaced impervious surface or less than two thousand square feet of new plus
845 replaced impervious surface after October 30, 2008. For purposes of this subsection C.2.,
846 "new impervious surface" and "replaced impervious surface" are defined in K.C.C.
847 9.04.020.

848 3. Cumulative clearing of less than seven thousand square feet on a single site
849 since January 1, 2005, including, but not limited to, collection of firewood and removal of
850 vegetation for fire safety. This exception shall not apply to development proposals:

- 851 a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- 852 b. in a critical drainage areas established by administrative rules;
- 853 c. subject to clearing limits included in property-specific development standards
854 and special district overlays under K.C.C. chapter 21A.38; or
- 855 d. subject to urban growth area significant tree retention standards under K.C.C.
856 16.82.156 and K.C.C. Title 21A((~~38.230~~)).

857 4. Cutting firewood for personal use in accordance with a forest management plan
858 or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this
859 condition, personal use shall not include the sale or other commercial use of the firewood.

860 5. Limited to material at any solid waste facility operated by King County.

861 6. Allowed to prevent imminent danger to persons or structures.

Commented [JC45]: To add clarity for enforcement purposes; uses effective date of the Critical Areas Ordinance, when these provisions went into place

Commented [JC46]: This specific code section does not exist now. There are, however, tree retention requirements in various places in K.C.C. Title 21A (such as K.C.C. Chapters 21A.16 and 21A.25)

862 7. Cumulative clearing of less than seven thousand square feet annually or
863 conducted in accordance with an approved farm management plan, forest management plan
864 or rural stewardship plan.

865 8. Cumulative clearing of less than seven thousand square feet and either:

866 a. conducted in accordance with a farm management plan, forest management
867 plan or a rural stewardship plan; or

868 b. limited to removal with hand labor.

869 9. When ~~((conducted))~~ conducted as a Class I, II, III or IV-S forest practice as
870 defined in chapter 76.09 RCW and Title 222 WAC.

871 10. If done in compliance with K.C.C. 16.82.065.

872 11. Only when conducted by or at the direction of a government agency in
873 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less
874 than two thousand square feet of new impervious surface on a single site added after January
875 1, 2005, and is not within or does not directly discharge to an aquatic area or wetland. For
876 purposes of this subsection C.11., "new impervious surface" is defined in K.C.C. 9.04.020.

877 12. Limited to clearing conducted by or at the direction of a government agency or
878 by a private utility that does not involve:

879 a. slope stabilization or vegetation removal on slopes; or

880 b. ditches that are used by salmonids.

881 13. In conjunction with normal and routine maintenance activities, if:

882 a. there is no alteration of a ditch or aquatic area that is used by salmonids:

883 b. the structure, condition or site maintained was constructed or created in

884 accordance with law; and

Commented [JC47]: typo

885 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
886 culvert or other improved area being maintained.

887 14. If a culvert is used by salmonids or conveys water used by salmonids and there
888 is no adopted farm management plan, the maintenance is limited to removal of sediment and
889 debris from the culvert and its inlet, invert and outlet and the stabilization of the area within
890 three feet of the culvert where the maintenance disturbed or damaged the bank or bed and
891 does not involve the excavation of a new sediment trap adjacent to the inlet.

892 15. If used by salmonids, only in compliance with an adopted farm plan in
893 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

- 894 a. The King Conservation District;
- 895 b. King County department of natural resources and parks;
- 896 c. King County department of local services, permitting division; or
- 897 d. Washington state Department of Fish and Wildlife.

898 16. Only if consistent with an adopted farm plan in accordance with K.C.C. Title
899 21A.

900 17. Only if consistent with a farm plan.

901 18. In accordance with a ((franchise)) right-of-way construction permit.

902 19. Only within the roadway in accordance with a ((franchise)) right-of-way
903 construction permit.

Commented [JC48]: Clarifying edits to reflect existing intent.

904 20. When:

- 905 a. conducted by a public agency;
- 906 b. the height of the facility is not increased;
- 907 c. the linear length of the facility is not increased;

- 908 d. the footprint of the facility is not expanded waterward;
- 909 e. done in accordance with the Regional Road Maintenance Guidelines;
- 910 f. done in accordance with the adopted King County Flood Hazard Management
- 911 Plan and the Integrated Streambank Protection Guidelines (Washington State Aquatic
- 912 Habitat Guidelines Program, 2002); and
- 913 f. monitoring is conducted for three years following maintenance or repair and an
- 914 annual report is submitted to the department.
- 915 21. Only if:
- 916 a. the activity is not part of a mitigation plan associated with another development
- 917 proposal or is not corrective action associated with a violation; and
- 918 b. the activity is sponsored or co-sponsored by a public agency that has natural
- 919 resource management as its primary function or a federally-recognized tribe, and the activity
- 920 is limited to:
- 921 (1) revegetation of the critical area and its buffer with native vegetation or the
- 922 removal of noxious weeds or invasive vegetation;
- 923 (2) placement of weirs, log controls, spawning gravel, woody debris and other
- 924 specific salmonid habitat improvements;
- 925 (3) hand labor except:
- 926 (a) the use of riding mower or light mechanical cultivating equipment and
- 927 herbicides or biological control methods when prescribed by the King County noxious weed
- 928 control board for the removal of noxious weeds or invasive vegetation; or
- 929 (b) the use of helicopters or cranes if they have no contact with or otherwise
- 930 disturb the critical area or its buffer.

931 22. If done with hand equipment and does not involve any clearing.

932 23. Limited to tree and vegetation clearing ((removal of vegetation for forest fire
933 prevention purposes in accordance with best management practices approved by the King
934 County fire marshal.)) within thirty feet of structures containing habitable space, except tree
935 and vegetation clearing subject to K.C.C. 16.82.156 and K.C.C. Title 21A or otherwise
936 requiring a permit, as follows:

937 a. vegetation removal:

938 (1) within fifteen feet of the furthest attached exterior point of a structure
939 containing habitable space or a deck;

940 (2) within ten feet of a propane tank;

941 (3) underneath a tree crown to provide up to fifteen feet of clearance from the
942 ground to remove ladder fuels; and

943 (4) of pyrophytic plants; and

944 b. removal and pruning of trees to provide:

945 (1) fifteen feet of clearance from the ground to remove ladder fuels, as long as
946 pruning does not exceed one-third of tree height;

947 (2) fifteen feet of clearance over driveways for emergency vehicle access;

948 (3) fifteen feet between tree crowns; and

Commented [JC49]: Scope III.A.6.
To support clearing/grade code changes related to wildfire preparedness later in this section. This portion is for residential structures.

Commented [JC50]: These Best Management Practices don't exist; approach is to set the requirements in the code instead.

949 (4) fifteen feet between tree crowns and decks, chimneys, propane tanks and
950 structures containing habitable space.

951 (3) fifteen feet between crowns and chimneys; and

952 d. removal of pyrophytic plants.

953 24. Limited to the removal of downed trees.

954 25. Except on properties that are:

955 a. subject to clearing limits included in property-specific development standards
956 and special district overlays under K.C.C. chapter 21A.38; or

957 b. subject to urban growth area significant tree retention standards under K.C.C.
958 16.82.156.

959 26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance
960 activity is inspected by the:

961 a. King Conservation District;

962 b. department of natural resources and parks;

963 c. department of local services, permitting division; or

964 d. Washington state Department of Fish and Wildlife.

965 27. Pruning of trees to provide up to ten feet of clearance from overhead

966 communication cables and electrical wire components of utility facilities, if:

967 a. no debris is left following the pruning activity;

968 b. the presence of associated vehicles or equipment in the right-of-way is

969 authorized by a right-of-way construction permit;

970 c. pruning activities around overhead electrical facilities do not extend fifteen feet
971 beyond the right-of-way; and

Commented [JC51]: Scope III.A.6.
To support clearing/grade code changes related to wildfire preparedness later in this section. This portion is for utility corridors or facility outside of the right-of-way.

972 d. any work is approved by the property owner.

973 28. Tree and vegetation clearing up to thirty feet of utility facility structures,

974 except for overhead facilities in subsection B.27 of this section, and except for tree and

975 vegetation clearing subject to K.C.C. 16.82.156 and K.C.C. Title 21A or otherwise requiring

976 a permit, as follows:

977 a. vegetation removal:

978 (1) within fifteen feet of the furthest attached exterior point of a structure;

979 (2) underneath a tree crown to provide up to fifteen feet of clearance from the

980 ground to remove ladder fuels; and

981 (3) of pyrophytic plants;

982 b. removal and pruning of trees to provide fifteen feet:

983 (1) of clearance from the ground to remove ladder fuels;

984 (2) of clearance over driveways for emergency vehicle access;

985 (1) between tree crowns; and

986 (2) between tree crowns and structures; and

987 c. the screening function of any landscaping planted to provide screening in

988 K.C.C. chapter 21A.16 is maintained.

989 29. Only when performed in accordance with a Hydraulic Project Approval issued

990 by the Washington Department of Fish and Wildlife, and conducted by a government

991 agency, tribe or property owner to address a dam or portion of a dam that is currently or

992 potentially putting infrastructure at risk, and:

993 a. XXX

Commented [JC52]: Scope III.A.6.
To support clearing/grade code changes related to wildfire preparedness later in this section. This portion is for utility corridors or facility outside of the right-of-way.

Commented [JC53]: Scope III.B
Allows for management of beaver dams in accordance with new proposed changes and development conditions in the clearing/grading code

Commented [JC54]: Additional conditions forthcoming

994 SECTION X. Ordinance 12560, Section 148, as amended, and K.C.C. 17.04.200
995 are hereby amended to read as follows:

996 Section 104.1 of the International Fire Code is not adopted and the following is
997 substituted:

998 **General (IFC 104.1).** The fire marshal is authorized to render interpretations of this
999 code and make and enforce such rules and regulations, in accordance with K.C.C. chapters
1000 2.98 and 2.100, for the prevention and control of fires and fire hazards as necessary to
1001 execute the application and the intent of this code, including but not limited to:

1002 1. Procedures to ensure that building permits for structures shall conform to the
1003 requirements of this code.

1004 2. Procedures to ensure that applicable standards of this code shall be reviewed as
1005 part of the subdivision, short subdivision, ~~((urban planned development,))~~ rezone,
1006 conditional use, special use, site development permit, binding site plan and building permit
1007 processes.

1008 3. Procedures to assure that the standard known as NFPA 13R shall be applied as a
1009 minimum standard to all R occupancies.

1010 4. Procedures to allow for relaxation of the hydrant spacing requirements by as
1011 much as 50 percent, except when such allowances would unreasonably reduce fire
1012 protection to the area or structures served.((:))

1013 SECTION X. Ordinance 12560, Section 149, as amended, and K.C.C. 17.04.280
1014 are hereby amended to read as follows:

1015 Section 104 of the International Fire Code is supplemented with the following:

1016 Notice to fire districts (IFC 104.12).

Commented [JC55]: To reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

1017 A. Prior to submitting an application for a commercial building permit, site
1018 development permit, binding site plan, a preliminary subdivision or short subdivision
1019 approval, final subdivision or short subdivision, ~~((urban-planned-development,))~~ zoning
1020 reclassification, conditional use and special use permits to the department:

1021 1. the applicant shall submit a copy of the application to the fire district providing
1022 fire protection services to the proposed development;

1023 2. subdivisions and short subdivisions applied for and/or recorded before February
1024 1, 1989, shall be submitted once to the applicable fire district for review at the time of the
1025 first building permit by the applicant for that building permit;

1026 3. it shall be the responsibility of the fire district to issue a receipt to the applicant
1027 the same day it receives a copy of a permit application. The receipt shall constitute proof to
1028 the director of the notification;

1029 4. the applicant shall include the fire district receipt with the permit application to
1030 the department;

1031 5. it shall be the responsibility of the fire district to notify the fire marshal of any
1032 comments within seven days of the receipt of an applied for permit.

1033 SECTION X. Ordinance 13694, Section 56, as amended, and K.C.C. 19A.12.020
1034 are hereby amended to read as follows:

1035 A. Preliminary subdivision approval shall be effective for a period of sixty months.

1036 B. Preliminary subdivision approval shall be considered the basis upon which the
1037 applicant may proceed toward development of the subdivision and preparation of the final
1038 plat subject to all the conditions of the preliminary approval.

Commented [JC56]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

1039 C. If the final plat is being developed in divisions, and final plats for all of the
1040 divisions have not been recorded within the time limits provided in this section, preliminary
1041 subdivision approval for all unrecorded divisions shall become void. The preliminary
1042 subdivision for any unrecorded divisions must again be submitted to the department with a
1043 new application, subject to the fees and regulations applicable at the time of submittal.

1044 D. ~~((An urban planned development permit, fully contained community permit, or
1045 development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the
1046 preliminary approval period beyond sixty months for any preliminary subdivision approved
1047 simultaneous or subsequent to the urban planned development permit or fully contained
1048 community permit. Such extensions may be made contingent upon satisfying conditions set
1049 forth in the urban planned development permit, fully contained community permit or
1050 development agreement. In no case shall the extended preliminary approval period exceed
1051 the expected buildout time period of the urban planned development or fully contained
1052 community as provided in the urban planned development permit, fully contained
1053 community permit or development agreement. This section shall apply to any approved
1054 urban planned development permit, fully contained community permit or development
1055 agreement in existence on January 1, 2000, or approved subsequent to January 1, 2000.))~~

1056 ~~((E.))~~ For any plat with more than four hundred lots that is also part of the county's
1057 four to one program, the preliminary subdivision approval shall be effective for eighty-four
1058 months. This subsection applies to any preliminary plat approved by either the council or
1059 the hearing examiner, or both, on or after January 1, 1998, that relates to a four to one
1060 program with proposed plats containing more than four hundred lots.

Commented [JC57]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

1061 ((F.)) E. For any plat with more than fifty lots where fifty percent or more of those
1062 lots will constitute affordable housing which is housing for those that have incomes of less
1063 than eighty percent of median income for King County as periodically published by the
1064 United States Department of Housing and Urban Development, or its successor agency, and
1065 at least a portion of the funding for the project has been provided by federal, state or county
1066 housing funds, the preliminary subdivision shall be effective for seventy-two months. This
1067 subsection applies to any plat that has received preliminary approval on or after January 1,
1068 1998.

1069 ~~((G.1. For any plat that has received preliminary approval on or after December 1,
1070 2003, the preliminary subdivision approval shall be valid for a period of eighty-four months.
1071 The department may make revisions to the fee estimate issued by the department under
1072 K.C.C. 27.02.065.~~

1073 ~~2. For any plat that received preliminary approval on or after December 1, 2003,
1074 pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a
1075 period of one hundred and eight months. The department may make revisions to the fee
1076 estimate issued by the department under K.C.C. 27.02.065.~~

1077 ~~3. This subsection shall retroactively apply to any plat that has received
1078 preliminary approval on or after December 1, 2003. This subsection expires December 31,
1079 2014.))~~

1080 SECTION X. Ordinance 13694, Section 80, as amended, and K.C.C. 19A.28.020
1081 are hereby amended to read as follows:

1082 Adjustment of boundary lines between adjacent lots shall be consistent with the
1083 following review procedures and limitations:

Commented [JC58]: Clean-up – Removing subsection that expired in 2014.

1084 A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit
1085 as provided in K.C.C. chapter 20.20. The review shall include examination for consistency
1086 with the King County zoning code, K.C.C. Title 21A., shoreline master program, K.C.C.
1087 chapter 21A.25, applicable board of health regulations and, for developed lots, fire and
1088 building codes;

1089 B. A lot created through a large lot segregation shall be consistent with the
1090 underlying zoning and shall not be reduced to less than twenty acres within ten years of the
1091 large lot segregation approval unless it is subdivided in accordance with K.C.C. chapter
1092 19A.12;

1093 C. Any adjustment of boundary lines must be approved by the department before
1094 the transfer of property ownership between adjacent legal lots;

1095 D. A boundary line adjustment proposal shall not:

1096 1. Result in the creation of an additional lot or the creation of more than one
1097 additional building site;

1098 2. Result in a lot that does not qualify as a building site pursuant to this title;

1099 3. Relocate an entire lot from one parent parcel into another parent parcel;

1100 4. Reduce the overall area in a plat or short plat devoted to open space;

1101 5. Be inconsistent with any restrictions or conditions of approval for a recorded
1102 plat or short plat;

1103 6. Involve lots which do not have a common boundary; or

1104 7. Circumvent the subdivision or short subdivision procedures set forth in this title.

1105 Factors which indicate that the boundary line adjustment process is being used in a manner
1106 inconsistent with statutory intent include: numerous and frequent adjustments to the existing

1107 lot boundary, a proposal to move a lot or building site to a different location, and a large
1108 number of lots being proposed for a boundary line adjustment;

1109 E. The elimination of lines between two or more lots shall in all cases shall be
1110 considered a minor adjustment of boundary lines and shall not be subject to the subdivision
1111 and short subdivision provisions of this title or to K.C.C. 19A.28.030. The format and
1112 requirements of a minor adjustment under this subsection shall be specified by the
1113 department;

1114 F. Recognized lots in an approved site plan for a conditional use permit, special use
1115 permit ~~((urban planned development))~~ or commercial site development permit shall be
1116 considered a single site and no lot lines on the site may be altered by a boundary line
1117 adjustment to transfer density or separate lots to another property not included in the original
1118 site plan of the subject development; and

1119 G. Lots that have been subject to a boundary line adjustment process that resulted in
1120 the qualification of an additional building site shall not be permitted to utilize the boundary
1121 line adjustment process again for five years to create an additional building site.

1122 SECTION X. Ordinance 18810, Section 3, and K.C.C. 20.08.037 are hereby
1123 amended to read as follows:

1124 "Area zoning and land use study" means a study that reviews the land use
1125 designations and zoning classifications for a specified set of properties. "Area zoning and
1126 land use studies" are typically focused on a ~~((broader set of policies than a subarea study))~~
1127 specific set of possible zoning and land use changes, and do not look at the larger range of
1128 issues that a subarea plan would include. "Area zoning and land use studies" consider
1129 specific potential changes to land use or zoning, or both, and analyze such requests based on

Commented [JC59]: To reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC60]: "Subarea studies" is a term that has inconsistent definitions and usage throughout the Comp Plan and code. Upon review of the references to subarea studies, it was determined that the "subarea study" requirements could either be met via an area zoning and land use study and/or a subarea plan (depending on the case) in current practice or were not applicable in the instance it was being referenced. Subarea study references are replaced by area zoning and land use studies and/or subarea plans, or removed, to reflect existing intent. The subarea study definition will be removed, as it is no longer necessary.

In this case, reference to subarea studies is removed, and clarity about the scope of the area zoning and use studies is added to reflect existing intent. The same change is made to this term in the Comprehensive Plan glossary.

1130 surrounding land use and zoning, current infrastructure and potential future needs, and
1131 consistency with the King County Comprehensive Plan, countywide planning policies and
1132 the Growth Management Act, chapter 36.70A RCW.

1133 SECTION X. Ordinance 263, Art. 3 (part), and K.C.C. 20.08.060 are hereby
1134 amended to read as follows:

1135 "Subarea plan" means a detailed local land use plan that implements, is consistent
1136 with and is an element of the Comprehensive Plan, containing specific policies, guidelines
1137 and criteria adopted by the council to guide development and capital improvement decisions
1138 within specific subareas of the county. ~~((Subareas are))~~ Subarea plans are used for distinct
1139 communities, specific geographic areas or other types of districts having unified interests or
1140 similar characteristics within the county. Subarea plans may include ~~((community plans,))~~
1141 community service area subarea plans, neighborhood plans, basin plans and plans
1142 addressing multiple areas having common interests. The relationship between the 1994
1143 King County Comprehensive Plan and subarea plans is established by K.C.C. 20.12.015.

1144 SECTION X. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
1145 20.12.010 are hereby amended to read as follows:

1146 Under the King County Charter, the state Constitution and the Washington state
1147 Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King
1148 County Comprehensive Plan via Ordinance 11575 and declared it to be the
1149 Comprehensive Plan for King County until amended, repealed or superseded. The
1150 Comprehensive Plan has been reviewed and amended multiple times since its adoption in
1151 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the
1152 ~~((2016))~~ 2024 King County Comprehensive Plan, as adopted in ~~((Ordinance 18427 and as~~

Commented [JC61]: Clarifying edits to reflect existing intent

Commented [JC62]: Community plans no longer exist and have been replaced by Community Service Area Subarea Plans

Commented [JC63]: To reflect adoption of the 2024 Comprehensive Plan

1153 ~~amended by Ordinance 18623, Ordinance 18810, Ordinance 19034, Ordinance 19146 and~~
1154 ~~Ordinance 19555))~~ this ordinance. The Comprehensive Plan shall be the principal
1155 planning document for the orderly physical development of the county and shall be used
1156 to guide subarea plans, functional plans, provision of public facilities and services,
1157 review of proposed incorporations and annexations, development regulations and land
1158 development decisions.

1159 SECTION X. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are
1160 hereby amended to read as follows:

1161 A. The King County shoreline master program consists of the following
1162 elements, enacted on or before ~~((March 25, 2021))~~ the date of enactment of this
1163 ordinance:

- 1164 1. The King county Comprehensive Plan chapter six;
- 1165 2. K.C.C. chapter 21A.25;
- 1166 3. The following sections of K.C.C. chapter 21A.24:
 - 1167 a. K.C.C. 21A.24.045;
 - 1168 b. K.C.C. 21A.24.051;
 - 1169 c. K.C.C. 21A.24.055;
 - 1170 d. K.C.C. 21A.24.070.A., D. and E.;
 - 1171 e. K.C.C. 21A.24.125;
 - 1172 f. K.C.C. 21A.24.130;
 - 1173 g. K.C.C. 21A.24.133;
 - 1174 h. K.C.C. 21A.24.200;
 - 1175 i. K.C.C. 21A.24.210;

Commented [JC64]: To reflect updated version of the Shoreline Master Program as amended by the 2024 Update.

- 1176 j. K.C.C. 21A.24.220;
- 1177 k. K.C.C. 21A.24.275;
- 1178 l. K.C.C. 21A.24.280;
- 1179 m. K.C.C. 21A.24.290;
- 1180 n. K.C.C. 21A.24.300;
- 1181 o. K.C.C. 21A.24.310;
- 1182 p. K.C.C. 21A.24.316;
- 1183 q. K.C.C. 21A.24.318;
- 1184 r. K.C.C. 21A.24.325;
- 1185 s. K.C.C. 21A.24.335;
- 1186 t. K.C.C. 21A.24.340;
- 1187 u. K.C.C. 21A.24.355;
- 1188 v. K.C.C. 21A.24.358;
- 1189 w. K.C.C. 21A.24.365;
- 1190 x. K.C.C. 21A.24.380;
- 1191 y. K.C.C. 21A.24.382;
- 1192 z. K.C.C. 21A.24.386; and
- 1193 aa. K.C.C. 21A.24.388;
- 1194 4. The following:
- 1195 a. K.C.C. 20.18.040;
- 1196 b. K.C.C. 20.18.050;
- 1197 c. K.C.C. 20.18.056;
- 1198 d. K.C.C. 20.18.057;

1199 e. K.C.C. 20.18.058;

1200 f. K.C.C. 20.22.160;

1201 g. ~~((K.C.C. 20.24.510;~~

1202 ~~h.))~~ K.C.C. 21A.32.045;

1203 ~~((i.))~~ h. K.C.C. 21A.44.090;

1204 ~~((j.))~~ i. K.C.C. 21A.44.100; and

1205 ~~((k.))~~ j. K.C.C. 21A.50.030.

1206 B. The shoreline management goals and policies constitute the official policy of
1207 King County regarding areas of the county subject to shoreline management jurisdiction
1208 under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local
1209 administrative, enforcement and permit review procedures shall conform to chapter 90.58
1210 RCW but shall not be a part of the master program.

1211 C. Amendments to the shoreline master program do not apply to the shoreline
1212 jurisdiction until approved by the Washington state Department of Ecology as provided
1213 in RCW 90.58.090. The department of local services, permitting division, shall, within
1214 ten days after the date of the Department of Ecology's approval, file a copy of the
1215 Department of Ecology's approval, in the form of ~~((a paper copy and))~~ an electronic copy,
1216 with the clerk of the council, who shall retain the ~~((paper copy))~~ original and ~~((forward))~~
1217 provide electronic copies to all councilmembers, the chief of staff~~((, policy staff director))~~
1218 and the lead staff of the ~~((mobility and environment))~~ local services and land use
1219 committee, or its successor.

1220 SECTION X. Ordinance 18623, Section 8, and K.C.C. 20.12.329 are hereby
1221 amended to read as follows:

Commented [JC65]: Technical correction; this code section no longer exists.

Commented [JC66]: To reflect current council process.

1222 The ((Fall City)) Snoqualmie Valley/Northeast King County Community Service
1223 Area Subarea Plan, dated December 2023, contained in Attachment ((A)) ~~X~~ to this
1224 Ordinance (~~(13875, as amended,))~~ is adopted as an element of the King County
1225 Comprehensive Plan and, as such, constitutes official county policy for the geographic
1226 area of unincorporated King County defined in the plan. ~~((The Fall City land use~~
1227 ~~amendments to the King County Comprehensive Plan land use map contained in~~
1228 ~~Attachment A, as amended, are adopted as the Rural Town boundaries of Fall City. The~~
1229 ~~Fall City area zoning amendments contained in Attachment A, as amended, are adopted~~
1230 ~~as the zoning control for those portions of unincorporated King County defined in the~~
1231 ~~attachment. Existing property specific development standards (p suffix conditions) on~~
1232 ~~parcels affected by Attachment A, as amended, do not change except as specifically~~
1233 ~~provided in Attachment A, as amended.))~~

1234 SECTION X. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030
1235 are hereby amended to read as follows:

1236 A. The King County Comprehensive Plan shall be amended in accordance with
1237 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public
1238 participation program whereby amendments are considered by the council no more
1239 frequently than once a year as part of the update schedule established in this chapter,
1240 except that the council may consider amendments more frequently to address:

1241 1. Emergencies, if

1242 a. an emergency exists, based on the council finding that the amendment is
1243 necessary for the immediate preservation of public peace, health, or safety or for the
1244 support of county government and its existing public institutions; and

Commented [JC67]: To reflect adoption of the Snoqualmie Valley/Northeast King County Subarea Plan, which replaces the Fall City Subarea Plan and applies to a larger geography

Commented [JC68]: Clarifying edit to reflect existing intent per guidance from Washington State Commerce and consistent with KC Charter 230.30

1245 b. public notice and an opportunity for public comment precede adoption of
1246 the emergency amendments;

Commented [JC69]: To reflect requirements in WAC 365-196-640

1247 2. An appeal of the plan filed with the Central Puget Sound Growth
1248 Management Hearings Board or with the court;

1249 3. The initial adoption of a subarea plan, which may amend the urban growth
1250 area boundary only to redesignate land within a joint planning area;

1251 4. An amendment of the capital facilities element of the Comprehensive Plan
1252 that occurs in conjunction with the adoption of the county budget under K.C.C.
1253 4A.100.010; or

1254 5. The adoption or amendment of a shoreline master program under chapter
1255 90.58 RCW.

1256 B. Every year the Comprehensive Plan may be updated to address technical
1257 updates and corrections, to adopt community service area subarea plans and to consider
1258 amendments that do not require substantive changes to policy language or do not require
1259 changes to the urban growth area boundary, except as permitted in subsection B.9. and
1260 11. of this section. The review may be referred to as the annual update. The
1261 Comprehensive Plan, including subarea plans, may be amended in the annual update only
1262 to consider the following:

1263 1. Technical amendments to policy, text, maps or shoreline environment
1264 designations;

1265 2. The annual capital improvement plan;

1266 3. The transportation needs report;

1267 4. School capital facility plans;

- 1268 5. Changes required by existing Comprehensive Plan policies;
- 1269 6. Changes to the technical appendices and any amendments required thereby;
- 1270 7. Comprehensive updates of subarea plans initiated by motion;
- 1271 8. Changes required by amendments to the Countywide Planning Policies or
- 1272 state law;
- 1273 9. Redesignation proposals under the four-to-one program as provided for in
- 1274 this chapter;
- 1275 10. Amendments necessary for the conservation of threatened and endangered
- 1276 species;
- 1277 11. Site-specific land use map amendments that do not require substantive
- 1278 change to Comprehensive Plan policy language and that do not alter the urban growth
- 1279 area boundary, except to correct mapping errors;
- 1280 12. Amendments resulting from subarea studies required by Comprehensive
- 1281 Plan policy that do not require substantive change to Comprehensive Plan policy
- 1282 language and that do not alter the urban growth area boundary, except to correct mapping
- 1283 errors;
- 1284 13. ~~((Changes required to implement a study regarding the provision of~~
- 1285 ~~wastewater services to a Rural Town. The amendments shall be limited to policy~~
- 1286 ~~amendments and adjustment to the boundaries of the Rural Town as needed to implement~~
- 1287 ~~the preferred option identified in the study;~~
- 1288 14.)) Adoption of community service area subarea plans;
- 1289 ((15.)) 14. Amendments to the Comprehensive Plan update schedule that
- 1290 respond to adopted ordinances and improve alignment with the timing requirements in

Commented [JC70]: The wastewater study has been completed and no policy amendments or adjustments to the boundaries of the Rural Town are needed.

1291 the Washington state Growth Management Act, chapter 36.70A RCW ("the GMA"), and
1292 alignment with multicounty and countywide planning activities; or

1293 ~~((46.))~~ 15. Amendments to the Comprehensive Plan Workplan to change
1294 deadlines.

1295 C. Every ~~((eight))~~ tenth year beginning in 2024, the county shall complete a
1296 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
1297 to ensure continued compliance with the GMA. This review may provide for a
1298 cumulative analysis of the twenty-year plan based upon official population growth
1299 forecasts, benchmarks and other relevant data in order to consider substantive changes to
1300 the Comprehensive Plan and changes to the urban growth area boundary. The
1301 comprehensive review schedule shall ~~((begin one year in advance of the transmittal))~~ as
1302 established in K.C.C. 20.18.060 and may be referred to as the ~~((eight))~~ ten-year update.
1303 The urban growth area boundaries shall be reviewed in the context of the ~~((eight))~~ ten-
1304 year update and in accordance with countywide planning policy ~~((G-1))~~ FW-1 and RCW
1305 36.70A.130.

1306 D.1. At the midpoint of the ~~((eight))~~ ten-year update process, a limited update to
1307 the Comprehensive Plan to address time-sensitive issues before to the next ~~((eight))~~ ten-
1308 year update, may be authorized by motion. The update may be referred to as the
1309 midpoint update. The midpoint update may include those substantive changes to the
1310 Comprehensive Plan and amendments to the urban growth area boundary that are
1311 identified in the scope of work. The midpoint update may also include additions or
1312 amendments to the Comprehensive Plan Workplan related to a topic identified in the
1313 scope of work.

Commented [JC71]: Global edits throughout to reflect recent changes in state law to move the periodic comprehensive planning update schedule from once every eight years to once every ten years.

Commented [JC72]: So that all of the schedule requirements for the ten-year update, from start to finish, are in one place.

Commented [JC73]: To reflect current policy number in 2021 Countywide Planning Policies

1314 2. The motion shall specify the scope of the midpoint update, and identify that
1315 the resources necessary to accomplish the work are available. A fiscal note for the scope
1316 of the midpoint update shall be provided to the council by the executive within fifteen
1317 business days of introduction of the proposed motion. If the executive determines an
1318 additional appropriation is necessary to complete the midpoint update, the executive may
1319 transmit an ordinance requesting the additional appropriation.

1320 3. If the executive proposes a midpoint update, the executive shall transmit to
1321 the council by the last business day in ~~((June))~~ March two years before the midpoint year
1322 of the ~~((eight))~~ ten-year update schedule a proposed motion specifying the scope of work
1323 for the midpoint update. The council shall have until ~~((September 15))~~ June 30 of that
1324 year, to adopt a motion specifying the scope of work initiating a midpoint update, either
1325 as transmitted or amended, or as introduced or amended. If the motion is approved by
1326 ~~((September 15))~~ June 30, the scope shall proceed as established by the approved motion.
1327 In the absence of council approval by ~~((September 15))~~ June 30, the executive shall
1328 proceed to implement the scope as transmitted. If such a motion is adopted, the
1329 executive shall transmit a midpoint update by the last business day of June of the
1330 following year after adoption of the motion. The council shall have until June 30 of the
1331 following year after transmittal to adopt a midpoint update.

1332 ~~((4. Before initiation of the first eight year update in 2024, substantive changes
1333 to the Comprehensive Plan and amendments to the urban growth area boundary may be
1334 considered. The amendments shall be considered in the 2020 Comprehensive Plan
1335 update and shall be subject to the midpoint update process and requirements. The
1336 executive shall transmit to the council by the first business day of January 2019 a~~

Commented [JC74]: Shifting midpoint update scoping up by 3 months so that the Executive has a full year for plan development after the scope is adopted.

Commented [JC75]: This was a unique schedule specific to the 2020 Comprehensive Plan as the County shifted to align with the state's periodic update schedule. This language is no longer necessary moving forward.

1337 ~~proposed motion specifying the scope of work for the proposed update consistent with~~
1338 ~~K.C.C. 20.18.030.D.1. The council shall have until the last business day of February~~
1339 ~~2019, to adopt the motion, either as transmitted or amended. In the absence of council~~
1340 ~~approval by the last business day of February 2019, the executive shall proceed to~~
1341 ~~implement the scope as proposed. If the motion is approved the last business day of~~
1342 ~~February 2019, the scope shall proceed as established by the approved motion. The~~
1343 ~~executive shall transmit to the council any proposed amendments for the 2020~~
1344 ~~Comprehensive Plan update the by the last business day of September 2019. The council~~
1345 ~~shall have until the last business day of July 2020 to adopt the 2020 Comprehensive Plan~~
1346 ~~update.))~~

1347 E. The executive shall seek public comment on the Comprehensive Plan and any
1348 proposed Comprehensive Plan update in accordance with the procedures in K.C.C.
1349 20.18.160 before making a recommendation, which shall include publishing a public
1350 review draft of the proposed Comprehensive Plan update, in addition to conducting the
1351 public review and comment procedures required by SEPA. The public shall be afforded
1352 at least one official opportunity to record public comment before the transmittal of a
1353 recommendation by the executive to the council. County-sponsored councils and
1354 commissions may submit written position statements that shall be considered by the
1355 executive before transmittal and by the council before adoption, if they are received in a
1356 timely manner. The executive's recommendations for changes to policies, text and maps
1357 shall include the elements listed in Comprehensive Plan policy I-207 and analysis of their
1358 financial costs and public benefits, any of which may be included in environmental
1359 review documents. Proposed amendments to the Comprehensive Plan shall be

1360 accompanied by any development regulations or amendments to development
1361 regulations, including area zoning, necessary to implement the proposed amendments.

1362 SECTION X. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are
1363 hereby amended to read as follows:

1364 A. Site-specific land use map or shoreline master program map amendments may be
1365 considered during the annual update, midpoint update or ~~((eight))~~ ten-year update,
1366 depending on the degree of change proposed.

Commented [JC76]: Global edits throughout to reflect recent changes in state law to move the periodic comprehensive planning update schedule from once every eight years to once every ten years.

1367 B. The following categories of site-specific land use map amendments or shoreline
1368 master program map may be initiated by either the county or a property owner for
1369 consideration in the annual update:

1370 1. Amendments that do not require substantive change to Comprehensive Plan
1371 policy language and that do not alter the urban growth area boundary, except to correct
1372 mapping errors; and

1373 2. Four-to-one-proposals.

1374 C. The following categories of site-specific land use map and shoreline master
1375 program amendments may be initiated by either the county or a property owner for
1376 consideration in the ~~((eight))~~ ten-year update or midpoint update:

1377 1. Amendments that could be considered in the annual update;

1378 2. Amendments that require substantive change to Comprehensive Plan policy
1379 language; and

1380 3. Amendments to the urban growth area boundary.

1381 SECTION X. Ordinance 3688, Section 813, as amended, and K.C.C. 20.18.056 are
1382 hereby amended to read as follows:

1383 A. Shoreline environments designated by the master program may be considered for
1384 redesignation during the ~~((eight))~~ ten-year update or midpoint update.

1385 B. A redesignation shall follow the process in K.C.C. 20.18.050.

1386 SECTION X. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060 are
1387 hereby amended to read as follows:

1388 A. Beginning in ~~((2022))~~ 2030, and every ~~((eighth))~~ ten years thereafter the
1389 executive shall initiate the ten-year update to the Comprehensive Plan required by K.C.C.
1390 20.18.030.C. The ten-year update process shall occur as follows:

1391 1.) The executive shall review the performance of the Comprehensive Plan
1392 consistent with the measures in Motion 15014, or successor motions, to inform the scope of
1393 work in subsection A.2. of this section. By the last business day of December 2030 and
1394 every ten years thereafter, the executive shall transmit to the council the Comprehensive
1395 Plan Performance Measures Report.

1396 2.a.) By September 15, 2031, and every ten years thereafter, the executive shall
1397 transmit to the council a proposed motion specifying the scope of work for the proposed ten-
1398 year update to the Comprehensive Plan ~~((that will occur in the following year under))~~ in
1399 subsection ~~((B.))~~ A.3. of this section. ((

1400 +) The scoping motion shall include as an attachment to the motion the
1401 following:

1402 ~~((a.))~~ (1) topical areas relating to amendments to policies, the land use map,
1403 implementing development regulations or any combination of those amendments that the
1404 executive intends to consider for recommendation to the council; and

Commented [JC77]: Global edits throughout to reflect recent changes in state law to move the periodic comprehensive planning update schedule from once every eight years to once every ten years.

Commented [JC78]: Global edits throughout to reflect recent changes in state law to move the periodic comprehensive planning update schedule from once every eight years to once every ten years.

Commented [JC79]: To reflect the outcome of 2016 Comprehensive Plan Workplan Action 2 "Develop a Performance Measures Program for the Comprehensive Plan"

Commented [JC80]: Moved up from below for clarity. Global edits throughout to reflect recent changes in state law to move the periodic comprehensive planning update schedule from once every eight years to once every ten years. These new dates also reflect starting scoping sooner in the process to allow for more time for Executive development of the proposed plan update.

Commented [JC81]: moved from below to reflect current practice

1405 ~~((b.))~~ 2 ~~((an attachment to the motion advising the council of))~~ the work
1406 program the executive intends to follow to accomplish State Environmental Policy Act
1407 review and public participation.

1408 ~~((2. a. For the eight year update required by RCW 36.70A.130 to be completed in~~
1409 ~~2024, the executive shall transmit to the council the scoping motion required in subsection~~
1410 ~~A. of this section by March 31, 2022. The council shall have until June 15, 2022, to~~
1411 ~~approve the motion.~~

Commented [JC82]: This was a unique schedule specific to the 2024 Comprehensive Plan as the County shifted to align with the state's periodic update schedule. This language is no longer necessary moving forward.

1412 ~~b. Beginning in 2030 and every eight years thereafter, the executive shall transmit~~
1413 ~~to the council the scoping motion required in subsection A. of this section by the last~~
1414 ~~business day of June).~~

Commented [JC83]: Moved to above

1415 ~~b.~~ The council shall have until ~~((September 15))~~ December 31 of that year to
1416 approve the motion.((

Commented [JC84]: Moved up from below for clarity. Global edits throughout to reflect recent changes in state law to move the periodic comprehensive planning update schedule from once every eight years to once every ten years. These new dates also reflect starting scoping sooner in the process to allow for more time for Executive development of the proposed plan update.

1417 ~~3.))~~ In the absence of council approval, the executive shall proceed to implement
1418 the scope of work as proposed in the motion transmitted by the executive. If the motion is
1419 approved, the scope of work shall proceed as established by the approved motion.

1420 ~~((B.))~~ 3. Except as otherwise provided in subsection ~~((C.))~~ B. of this section:

1421 ~~((1. For the eight year update required by RCW 36.70A.130 to be completed in~~
1422 ~~2024, the executive shall transmit to the council by December 29, 2023, a proposed~~
1423 ~~ordinance updating the Comprehensive Plan. The transmittal shall be accompanied by a~~
1424 ~~public participation note, identifying the methods used by the executive to ensure early and~~
1425 ~~continuous public participation in the preparation of amendments. The council shall have~~
1426 ~~until December 31, 2024, to adopt the update to the Comprehensive Plan, in accordance~~
1427 ~~with RCW 36.70A.130; and~~

Commented [JC85]: This was a unique schedule specific to the 2024 Comprehensive Plan as the County shifted to align with the state's periodic update schedule. This language is no longer necessary moving forward.

1428 ~~2. Beginning in 2030~~) a. By the last business day of June 2033 and every
1429 ~~((eighth))~~ ten years thereafter, the executive shall transmit to the council ~~((by the last~~
1430 ~~business day of June))~~ a proposed ordinance ~~((updating))~~ for the ten-year Comprehensive
1431 Plan update. All transmittals shall be accompanied by a public participation note,
1432 identifying the methods used by the executive to ensure early and continuous public
1433 participation in the preparation of amendments.

1434 b. The council shall have until June 30 ~~((of the following year))~~, 2034, and every
1435 ten years thereafter to adopt ~~((an))~~ the ten-year update to the Comprehensive Plan, in
1436 accordance with RCW 36.70A.130.

1437 ~~((C-))~~ B. Separate from ~~((the eight))~~ ten-year Comprehensive Plan updates required
1438 in subsection ~~((B-))~~ A. of this section:

1439 1. Except as provided in subsection B.2 of this section, ~~((I))~~ in years where there is
1440 a biennial budget proposed, the capital improvement program, an update or addendum
1441 where appropriate to the transportation needs report, and the school capital facility plans
1442 shall be:

1443 a. transmitted by the executive to the council no later than transmittal of the
1444 biennial budget; and

1445 b. adopted by the council in conjunction with the biennial budget; and

1446 2. The requirements of subsection B.1 of this section shall not apply to the
1447 transportation needs report in years when a transmitted comprehensive plan ten-year update
1448 is being reviewed the council as required in subsection A.3. of this section.

1449 3. In years when there is only a midbiennium review of the budget under K.C.C.
1450 4A.100.010, the capital improvement program and the school capital facility plans shall be:

Commented [JC86]: Global edits throughout to reflect recent changes in state law to move the periodic comprehensive planning update schedule from once every eight years to once every ten years. These new dates also reflect starting scoping sooner in the process to allow for more time for Executive development of the proposed plan update.

Commented [JC87]: When the Transportation Needs Report is transmitted and adopted as part of the biennial budget, it might entail substantive review and updates, or it might only warrant a smaller range of changes, such as an updated project list.

Commented [JC88]: When the biennial budget process overlaps a ten-year update, the Transportation Needs Report update will only occur as part of the ten-year update.

- 1451 a. transmitted by the executive to the council by October 1; and
- 1452 b. adopted by the council no later than adoption of the midbiennium review.

1453 SECTION X. Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070 are
1454 hereby amended to read as follows:

1455 A. The executive shall transmit to the council the annual update by the last business
1456 day of June, except that the capital improvement program ~~((and the ordinances adopting~~
1457 ~~updates to the))~~, transportation needs report, and the school capital facility plans shall be
1458 transmitted ~~((no later than the biennial budget transmittal and shall be adopted in~~
1459 ~~conjunction with the budget. However, in those years when there is only a midbiennium~~
1460 ~~review of the budget, the ordinances adopting the capital improvement plan and the school~~
1461 ~~capital facility plans shall be transmitted by October 1, and adopted no later than the~~
1462 ~~midbiennium review under K.C.C. 4A.100.010.))~~ and adopted in accordance with the
1463 schedules in K.C.C. 20.18.060.B.

1464 B. All transmittals shall be accompanied by a public participation note, identifying
1465 the methods used by the executive to assure early and continuous public participation in the
1466 preparation of updates.

1467 C. Proposed amendments, including site-specific land use map amendments, that
1468 are found to require preparation of an environmental impact statement, shall be considered
1469 for inclusion in the next annual, midpoint or ~~((eight))~~ ten-year update following completion
1470 of the appropriate environmental documents.

1471 SECTION X. Ordinance 13147, Section 27 and K.C.C. 20.18.110 are hereby
1472 amended to read as follows:

1473

Commented [JC89]: Points to the applicable requirements in the preceding code section rather than restating them.

1474 Notice of the time, place and purpose of a public hearing before the council to
1475 consider amendments to the comprehensive plan or development regulations, other than area
1476 zoning, shall at a minimum be given by one publication in a newspaper of general
1477 circulation in the county at least thirty days before the hearing. Notice for site-specific land
1478 use map amendments ~~((will))~~ shall also be provided pursuant K.C.C. 20.18.050. The county
1479 shall endeavor to provide such notice in nontechnical language. The notice shall indicate
1480 how the detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained
1481 by a member of the public.

1482 SECTION X. Ordinance 13147, Section 28, as amended, and K.C.C. 20.18.120 are
1483 hereby amended to read as follows:

1484 A. Notice of the time, place and purpose of a public hearing before the council to
1485 consider changes to area zoning shall, at a minimum, include publication in ~~((the official
1486 county newspaper and another))~~ a newspaper of general circulation and in another public in
1487 the area for which the area zoning is proposed, if available, at least thirty days before the
1488 hearing. The county shall endeavor to provide such notice in nontechnical language. The
1489 notice shall indicate how the detailed description of the ordinance required by K.C.C.
1490 20.18.100 can be obtained by a member of the public.

1491 B. Notice of the hearing shall also be given by mail to affected property owners,
1492 appropriate to the scope of the proposal, whose names appear on the rolls of the King
1493 County assessor and shall at a minimum include owners of properties within five hundred
1494 feet of affected property, at least twenty property owners in the vicinity of the property, and
1495 to any individuals or organizations that have formally requested to the department of local
1496 services, permitting division, to be kept informed of applications in an identified area.

Commented [JC90]: Clarifying edit to reflect existing intent. "Will" is predictive but "shall" is directive; policies should be directive, not statements of what is anticipated to happen.

Commented [JC91]: There is no official county newspaper

Commented [JC92]: Added because, these days, not all communities have local papers.

1497 Notice shall also be posted on the county's web site. The county shall endeavor to provide
1498 such notice in nontechnical language. The mailed notice required in this section shall be
1499 postmarked at least thirty days before the hearing. If the county sends the mailed notice by
1500 bulk mail, the certificate of mailing shall qualify as a postmark. Failure to notify any
1501 specific property owner shall not invalidate an area zoning proceeding or any resulting
1502 reclassification of land.

1503 SECTION X. Ordinance 13147, Section 30, as amended, and K.C.C. 20.18.140 are
1504 hereby amended to read as follows:

1505 A. In accordance with RCW 36.70A.470, a docket containing written ~~((comments~~
1506 ~~en))~~ requests for suggested Comprehensive ~~((p))~~ Plan or development regulation
1507 amendments shall be coordinated by the department. The docket is the means either to
1508 suggest a change or to identify a deficiency, or both, in the Comprehensive Plan or
1509 development regulation. For the purposes of this section, "deficiency" refers to the absence
1510 of required or potentially desirable contents of the Comprehensive Plan or development
1511 regulation and does not refer to whether a development regulation addressed a project's
1512 probable specific adverse environmental impacts that could be mitigated in the project
1513 review process. Any interested party, including permit applicants, ~~((citizens))~~ members of
1514 the public and government agencies, may submit items to the docket.

1515 B. ~~((All agencies of county government having responsibility for elements of the~~
1516 ~~Comprehensive Plan or implementing development regulations))~~ The department shall
1517 provide a means by which ~~((citizens))~~ members of the public may docket written comments
1518 on the plan or on development regulations. The department ~~((shall))~~ should use public

Commented [JC93]: Clarifying edits to reflect existing intent

Commented [JC94]: Clarifying edits to reflect existing intent

Commented [JC95]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan.

Commented [JC96]: To reflect current practice. For example, King County Roads does not utilize the docket when they are updating road provisions. The "department" (as defined in K.C.C. Title 20, means the department or office responsible for comprehensive planning as provided in K.C.C. Chapter 2.16.) gets the docket requests and then connects them to the appropriate agencies, where applicable. See new subsection B.2 below, which provides more clarity, moved up from subsection B.6.

Commented [JC97]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC98]: To reflect current practice. The Executive doesn't do this formally, and is hard to do for virtual meetings. The Council also doesn't do this. It's more so that if someone has a specific amendment proposal that we're not already considering we either 1) go ahead and consider it for this current update or 2) point them to the docket for future updates. But it's not the same across the board. This does not appear to be a requirement in state law.

1519 participation methods identified in K.C.C. 20.18.160 to solicit public use of the docket. The
1520 department shall provide a mechanism for docketing amendments through the Internet.

1521 1. All docketed comments relating to the Comprehensive Plan shall be reviewed
1522 by the department and considered for an amendment to the Comprehensive Plan.

1523 2. Docketed comments relating to development regulations shall be reviewed by
1524 the appropriate county agency. Those requiring a Comprehensive Plan amendment shall be
1525 forwarded to the department and considered for an amendment to the Comprehensive Plan.
1526 Those not requiring a Comprehensive Plan amendment shall be considered by the
1527 responsible county agency for amendments to the development regulations.

1528 3. The deadline for submitting docketed comments is December 31 for
1529 consideration in the update process for the following year.

1530 ~~((3-))~~ 4. Except as provided in subsection B.4. of this section:

1531 a. By the last business day of April, the department shall issue an executive
1532 response to all docketed comments. Responses shall include: a classification of the
1533 recommended changes as appropriate for the annual update, midpoint update ~~((or eight)),~~
1534 ten-year update, or future stand-alone development regulations update; and an executive
1535 recommendation indicating whether or not the docketed items are to be included in the next
1536 executive-recommended Comprehensive Plan update or a future stand-alone development
1537 regulations update. If the docketed changes will not be included in the next executive
1538 transmittal, the department shall indicate the reasons why, and shall inform the proponent
1539 that they may petition the council during the legislative review process.

1540 ~~((4-))~~ b. By the last business day of April, the department shall forward to the
1541 council a report including all docketed amendments and comments with an executive

Commented [JC99]: Moved from below, as its odd that these are broken up, and the items that follow are applicable to all docket submittals, not just those that are comp plan related. For example, the Department of Local Services does not do their own docket report, and it would be confusing if they did. And Regional Planning doesn't just not report on development regulation items; a response/recommendation is required by state law for all docketed items.

Commented [JC100]: Global edits throughout to reflect recent changes in state law to move the periodic comprehensive planning update schedule from once every eight years to once every ten years.

Commented [JC101]: Because non-Comprehensive Plan-dependent items can be requested

1542 response. The report shall include a statement indicating that the department has complied
1543 with the notification requirements in this section. The executive shall attach to the report
1544 copies of the docket requests and supporting materials submitted by the proponents and
1545 copies of the executive response that was issued to the proponents.

1546 5. The docket report shall be made available through the Internet.

Commented [JC102]: Moved up from below, as this step should happen before the committee review/notice process.

1547 6. Docket requests received between scoping and transmittal of midpoint and ten-
1548 year updates shall be processed, considered, and reported on by the executive consistent
1549 with all other public comments.

Commented [JC103]: To create consistency with all of the public comments received during major plan updates, docket requests during those updates will be folded in with the overall update process.

1550 ((5.)) 7. Upon receipt of the docket report, the council shall include all proponents
1551 of docketed requests in the mailing list for agendas to all committee meetings in which the
1552 Comprehensive Plan will be reviewed during the next available update. At the beginning of
1553 the committee review process, the council shall develop a committee review schedule with
1554 dates for committee meetings and any other opportunities for public testimony and for
1555 proponents to petition the council to consider docket changes that were not recommended
1556 by the executive and shall attach the review schedule to the agenda whenever the
1557 Comprehensive Plan is to be reviewed.

1558 ~~((6. Docketed comments relating to development regulations shall be reviewed by~~
1559 ~~the appropriate county agency. Those requiring a Comprehensive Plan amendment shall be~~
1560 ~~forwarded to the department and considered for an amendment to the Comprehensive Plan.~~
1561 ~~Those not requiring a Comprehensive Plan amendment shall be considered by the~~
1562 ~~responsible county agency for amendments to the development regulations.~~

Commented [JC104]: Moved up to above

1563 7. ~~The docket report shall be made available through the Internet. The department~~
1564 ~~shall endeavor to make the docket report available within one week of transmittal to the~~
1565 ~~council.))~~

Commented [JC105]: moved up to above

1566 C. In addition to the docket, the department shall provide opportunities for receiving
1567 general public comments ~~((both before the docketing deadline each year, and during the~~
1568 ~~executive's review periods before transmittal to the council. The opportunities may include,~~
1569 ~~but are not limited to, the use of the following: comment cards, electronic or posted mail,~~
1570 ~~Internet, public meetings with opportunities for discussion and feedback, printed summaries~~
1571 ~~of comments received and twenty four hour telephone hotlines. The executive shall assure~~
1572 ~~that the opportunities for public comment are provided as early as possible for each stage of~~
1573 ~~the process, to assure timely opportunity for public input.)) at any time, including as~~
1574 ~~provided in K.C.C. 20.18.160.~~

Commented [JC106]: This requirement is met via the Council's online legislation database. The Executive also chooses to post on their website. But that does not need to be called out in the code.

Commented [JC107]: Redundant to the comp plan public participation requirements above. Recommend streamlining and addressing by reference.

1575 SECTION X. Ordinance 13147, Section 32, and K.C.C. 20.18.160 are hereby
1576 amended to read as follows:

Commented [JC108]: This code section has not been amended since 1998. Updated throughout to align with current practice.

1577 A. Pursuant to RCW 36.70A.140, the county shall provide for early and continuous
1578 public participation in the development and amendment of the comprehensive plan and any
1579 implementing development regulations.

1580 B. ~~The county's ((P))~~ public participation program shall at a minimum include the
1581 following elements:

1582 1. ~~((Annual))~~ Broad dissemination of ((a schedule)) upcoming opportunities for
1583 public participation, as they are available;

Commented [JC109]: Information is provided when it is available/applicable; we do not know a year in advance all of the public engagement milestones for the following year.

1584 2. ~~((Issuance of a citizen's guide to the comprehensive plan process that provides))~~

Commented [JC110]: Various information is provided throughout the web, both generally and related to specific projects. There are not separate "guide" documents.

1585 Publicly available information on ~~((citizen))~~ public participation in the comprehensive plan

Commented [JC111]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

1586 process, a description of the procedure and schedule for amending the comprehensive plan
1587 and/or implementing development regulation~~((s))~~, and ~~((a guide))~~ information on how to
1588 use the docket;

1589 3. Provision for broad dissemination of the proposal and alternatives appropriate to
1590 the scope and significance of the proposal. The county shall make available to the public
1591 printed and electronic information which clearly defines and visually portrays, when
1592 possible, the range of options under consideration by the county. This information shall also
1593 include a description of any policy considerations, the schedule for deliberation,
1594 opportunities for public participation, information on the submittal and review procedures
1595 for written comments and the name, email address and telephone number of the responsible
1596 official(s). The methods employed to provide this information may include, but are not
1597 limited to, the use of the following: published notice in ~~((the official county newspaper))~~ a
1598 newspaper of general circulation and other appropriate publications, ~~((news media~~
1599 ~~notification))~~ press releases, ~~((mailed))~~ notice to property owners and to ~~((citizens))~~
1600 members of the public or groups with a known interest in the proposal, public ~~((education~~
1601 ~~and government channel))~~ television, ~~((electronic kiosks and))~~ the internet, transit
1602 advertising, telephone ~~((and fax))~~ information or comment lines, public review documents
1603 ~~((and displays in public facilities, speakers bureau, and printed or computerized graphics~~
1604 ~~depicting the effect of the proposal))~~, posters, agency newsletters and mailing list, and social
1605 media. The county shall endeavor to provide such notices in nontechnical language;

1606 4. Hosting, speaking at, or attending ((P)) public meetings to obtain comments
1607 from the public or other agencies on a proposed plan, amendment to the comprehensive plan
1608 or implementing development regulation. Public meeting means an informal meeting,

Commented [JC112]: From RCW 36.70A.035, and to reflect current practice

Commented [JC113]: To reflect that it might be a county meeting OR the county might be invited to speak at/listen to a community-hosted meeting/event

1609 hearing, workshop or other public gathering of people for the purpose of obtaining public
1610 comments and providing opportunities for open discussion. County-hosted public meetings
1611 shall be appropriately noticed to the public and should be broadly disseminated at least one
1612 week advance. ~~((All public meetings associated with review of the comprehensive plan or~~
1613 ~~development regulations shall provide a means for the public to submit items for the~~
1614 ~~docket.)) A ~~((public))~~ publicly available record of each county-hosted public meeting
1615 should be maintained to include ~~((documentation of))~~ information about attendance, record
1616 of any mailed notice and a recording of the meeting or a summary of public comments ~~((not~~
1617 ~~incorporated in the docket))~~);~~

1618 5. Other methods of public engagement to solicit feedback about the proposal,
1619 appropriate to the scope and significance of the proposal, such as surveys, focus groups,
1620 partnering with community-based organizations, and online engagement portals.

1621 6. The county shall provide mechanisms to enable public access to additional
1622 information. The county shall provide for publicly accessible ~~((and complete))~~ records of all
1623 ~~((applications,))~~ docketed amendment requests~~((;))~~ and related background information
1624 during normal business hours. The public may seek assistance from the office of ~~((citizen~~
1625 ~~complaints))~~ the ombuds to obtain time sensitive information. ~~((Methods of disseminating~~
1626 ~~information may include, but are not limited to, the following: published notice of location~~
1627 ~~of public review documents, use of the public education and government channel, use of~~
1628 ~~electronic kiosks and the internet, telephone information lines with or without fax options,~~
1629 ~~placement of documents in public libraries and community centers, speakers bureau and~~
1630 ~~public displays.))~~

Commented [JC114]: To align with WAC 365-196-600

Commented [JC115]: The Executive doesn't do this formally, and is hard to do for virtual meetings. The Council also doesn't do this for their meetings. It's more so that if someone has a specific amendment proposal that we're not already considering we either 1) go ahead and consider it for this current update or 2) point them to the docket for future updates. But it's not the same across the board. This is covered in 20.18.140 above instead.

Commented [JC116]: So it's clear that we don't have to publish the record (which we don't do); instead, the record is there if people ask for it.

Commented [JC117]: This is challenging to do for virtual meetings.

Commented [JC118]: A record of all public comments is challenging unless the meeting is recorded. Without a recording, a summary is more feasible.

Commented [JC119]: The County should be providing info about comments either way. Additionally, King County does not add things to the docket on behalf of the public; individuals have to submit to the docket. And the County won't know right away if a docket submittal ends up coming in.

Commented [JC120]: To reflect current practice.

Commented [JC121]: This is not fully applicable in all case. It may not be "complete" if it's subject to Public Records Act exceptions, and/or may not be complete if the work is still in progress.

Commented [JC122]: There are not Comprehensive Plan "applications" separate from the docket

Commented [JC123]: current name

Commented [JC124]: This is redundant to subsection-B.3 above. And this section is about providing additional access/information, seemingly in addition to what's outlined in subsection B.3.

1631 C. ~~((When technical matters are considered with regard to docketed issues, or to~~
1632 ~~evaluate public testimony, due consideration shall be given to technical testimony from the~~
1633 ~~public and third party analysis may be sought when appropriate.)) Errors in exact
1634 compliance with the established procedures do not render the comprehensive plan or
1635 development regulations invalid if the spirit of the procedures is observed.~~

Commented [JC125]: This is not necessary to state and may undermine equity goals. It's also not required by the state. WAC 365-196-600 even states that "Counties and cities should take a broad view of public participation. The act contains no requirements or qualifications that an individual must meet in order to participate in the public process. If an individual or organization chooses to participate, it is an interested party for purposes of public participation."

Commented [JC126]: Per WAC 365-196-600

1636 D. Emergency comprehensive plan amendments, as authorized by K.C.C.
1637 20.18.030, are exempt from the requirements of this section but still require some public
1638 notice and an opportunity public comment prior to adoption of the amendments.

Commented [JC127]: To reflect requirements in WAC 365-196-640

1639 SECTION X. NEW SECTION. There is hereby added to K.C.C. chapter 20.18 a
1640 new section to read as follows:

1641 A. The effective date of an amendment that adds land to the urban growth area,
1642 removes land from the agricultural production district or forest production district, or
1643 removes land from the mineral resources map shall be after the latest of the following dates:

Commented [JC128]: For consistency with 2022 legislative change in Senate Bill 5042

- 1644 1. Sixty days after the date of publication of notice of adoption of the
1645 comprehensive plan; or
1646 2. If a petition for review to the growth management hearings board is timely filed,
1647 upon issuance of the board's final order.

1648 B. The effective date required in subsection A. of this section shall be specified in
1649 the ordinance adopting such amendments.

Commented [JC129]: Required by King County Charter 230.70

1650 SECTION X. Ordinance 12196, Section 6, as amended, and K.C.C. 20.20.020 are
1651 hereby amended to read as follows:

1652 A. Land use permit decisions are classified into four types, based on who makes the
1653 decision, whether public notice is required, whether a public hearing is required before a

1654 decision is made and whether administrative appeals are provided. The types of land use
1655 decisions are listed in subsection E. of this section.

1656 1. Type 1 decisions are made by the permitting division manager or designee ("the
1657 director") of the department of local services ("the department"). Type 1 decisions are
1658 nonappealable administrative decisions.

1659 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
1660 decisions that are subject to administrative appeal.

1661 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
1662 following an open record hearing. Type 3 decisions may be appealed to the county council,
1663 based on the record established by the hearing examiner.

1664 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
1665 record established by the hearing examiner.

1666 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise
1667 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
1668 applications that would require more than one type of land use decision process may be
1669 processed and decided together, including any administrative appeals, using the highest-
1670 numbered land use decision type applicable to the project application.

1671 C. Certain development proposals are subject to additional procedural requirements
1672 beyond the standard procedures established in this chapter.

1673 D. Land use permits that are categorically exempt from review under SEPA do not
1674 require a threshold determination (determination of nonsignificance ["DNS"] or
1675 determination of significance ["DS"]). For all other projects, the SEPA review procedures
1676 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

1677

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. 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
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		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; sea level rise risk area variance adopted in K.C.C. chapter 21A.23.
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 by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; ((urban planned development,)) special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

Commented [JC130]: To reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

1678 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
1679 appeals and appeals of Type 3 and 4 decisions to the council.

1680 ² When an application for a Type 2 decision is combined with other permits requiring Type
1681 3 or 4 land use decisions under this chapter, the examiner, not the director, makes the
1682 decision.

1683 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to the
1684 state Shorelines Hearings Board and not to the hearing examiner.

1685 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
1686 council at any time. Zone reclassifications that are not consistent with the Comprehensive
1687 Plan require a site-specific land use map amendment and the council's hearing and
1688 consideration shall be scheduled with the amendment to the Comprehensive Plan under
1689 K.C.C. 20.18.040 and 20.18.060.

1690 F. The definitions in K.C.C. 21A.45.020 apply to this section.

1691 SECTION X. Ordinance 16950, Section 10, as amended, and K.C.C. 20.20.035 are
1692 hereby amended to read as follows:

1693 When an applicant is required by K.C.C. chapter 21A.08 to conduct a community
1694 meeting, under this section, before filing of an application, notice of the meeting shall be
1695 given and the meeting shall be conducted as follows:

1696 A. At least two weeks in advance, the applicant shall:

- 1697 1. Publish notice of the meeting in the local paper and mail and email to the
1698 department; and
- 1699 2. Mail notice of the meeting to all property owners within five hundred feet or at
1700 least twenty of the nearest property owners, whichever is greater, as provided in K.C.C.
1701 21A.26.170 of any potential sites, identified by the applicant for possible development, to be
1702 discussed at the community meeting. The mailed notice shall, at a minimum, contain a brief
1703 description and purpose of the proposal, approximate location noted on an assessor map
1704 with address and parcel number, photograph or sketch of any existing or proposed
1705 structures, a statement that alternative sites proposed by ~~((citizens))~~ the public can be
1706 presented at the meeting that will be considered by the applicant, a contact name and
1707 telephone number to obtain additional information and other information deemed necessary

Commented [JC131]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

1708 by the department of local services, permitting division. Because the purpose of the
1709 community meeting is to promote early discussion, applicants shall ~~((t))~~ note any changes
1710 to the conceptual information presented in the mailed notice when they submit an
1711 application;

Commented [JC132]: typo

1712 B. At the community meeting at which at least one employee of the department of
1713 local services, permitting division, assigned by the permitting division manager or designee,
1714 shall be in attendance, the applicant shall provide information relative to the proposal and
1715 any modifications proposed to existing structures or any new structures and how the
1716 proposal is compatible with the character of the surrounding neighborhood. An applicant
1717 shall also provide with the applicant's application a list of meeting attendees, those receiving
1718 mailed notice of the meeting and a record of the published meeting notice; and

1719 C. The applicant shall, in the notice required under subsection A.2. of this section,
1720 and at the community meeting required under subsection B. of this section, advise that
1721 persons interested in the applicant's proposal may monitor the progress of the permitting of
1722 that proposal by contacting the department or by viewing the department's website, the
1723 address of which will be provided in the notice and at the community meeting.

1724 SECTION X. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are
1725 hereby amended to read as follows:

1726 A. The department shall issue its Type 3 or Type 4 recommendation to the office of
1727 the hearing examiner within one hundred fifty days from the date the department notifies the
1728 applicant that the application is complete. The periods for action by an examiner shall be
1729 governed by K.C.C. chapter 20.22 and the rules of the office of the hearing examiner.

1730 B.1. Except as otherwise provided in subsection B.2. of this section, the department
1731 shall issue its final decision on a Type 1 or Type 2 decision within one hundred twenty days
1732 from the date the department notified the applicant that the application is complete.

1733 2. The following periods apply to the type of land use permit indicated:

- | | | |
|----|---|---------|
| a. | New residential building permits | 90 days |
| b. | Residential remodels | 40 days |
| c. | Residential appurtenances, such as decks and garages | 15 days |
| d. | Residential appurtenances, such as decks and garages
that require substantial review | 40 days |
| e. | Clearing and grading | 90 days |
| f. | Department of public health review | 40 days |
| g. | Type 1 temporary use permit for a homeless
encampment | 30 days |
| h. | Type 2 temporary use permit for a homeless
encampment | 40 days |

1734 C. The following periods shall be excluded from the times specified in subsections
1735 A., B. and H. of this section:

1736 1. Any period during which the applicant has been requested by the department,
1737 the examiner or the council to correct plans, perform required studies or provide additional
1738 information, including road variances and ~~((variances))~~ adjustments required under K.C.C.
1739 chapter 9.04. The period shall be calculated from the date of notice to the applicant of the
1740 need for additional information until the earlier of the date the county advises the applicant
1741 that the additional information satisfies the county’s request or fourteen days after the date

Commented [JC133]: typo

1742 the information has been provided. If the county determines that corrections, studies or
1743 other information submitted by the applicant is insufficient, it shall notify the applicant of
1744 the deficiencies and the procedures of this section shall apply as if a new request for
1745 information had been made.

1746 a. The department shall set a reasonable deadline for the submittal of corrections,
1747 studies or other information, and shall provide written notification to the applicant. The
1748 department may extend the deadline upon receipt of a written request from an applicant
1749 providing satisfactory justification for an extension.

1750 b. When granting a request for a deadline extension, the department shall give
1751 consideration to the number of days between the department receiving the request for a
1752 deadline extension and the department mailing its decision regarding that request;

1753 2. The period during which an environmental impact statement is being prepared
1754 following a determination of significance under chapter 43.21C RCW, as set forth in K.C.C.
1755 20.44.050;

1756 3. The period during which an appeal is pending that prohibits issuing the permit;

1757 4. Any period during which an applicant fails to post the property, if required by
1758 this chapter, following the date notice is required until an affidavit of posting is provided to
1759 the department by the applicant;

1760 5. Any time extension mutually agreed upon by the applicant and the department;

1761 and

1762 6. Any time during which there is an outstanding fee balance that is sixty days or
1763 more past due.

1764 D. Failure by the applicant to submit corrections, studies or other information
1765 acceptable to the department after two written requests under subsection C. of this section
1766 shall be cause for the department to cancel or deny the application.

1767 E. The time limits established in this section shall not apply if a proposed
1768 development:

1769 1. Requires either: an amendment to the Comprehensive Plan or a development
1770 regulation; or modification or waiver of a development regulation as part of a demonstration
1771 project;

1772 2. Requires approval of a ~~((new fully contained community as provided in RCW~~
1773 ~~36.70A.350,))~~ master planned resort as provided in RCW 36.70A.360 or the siting of an
1774 essential public facility as provided in RCW 36.70A.200; or

1775 3. Is revised by the applicant, when the revisions will result in a substantial change
1776 in a project's review requirements, as determined by the department, in which case the
1777 period shall start from the date at which the revised project application is determined to be
1778 complete.

1779 F. The time limits established in this section may be exceeded on more complex
1780 projects. If the department is unable to issue its Type 1 or Type 2 decision or its Type 3 or
1781 Type 4 recommendation within the time limits established by this section, it shall provide
1782 written notice of this fact to the applicant. The notice shall include a statement of reasons
1783 why the time limits have not been met and an estimated date for issuance of the notice of a
1784 Type 1 or Type 2 decision or a Type 3 or Type 4 recommendation.

1785 G. The department shall require that all plats, short plats, building permits, clearing
1786 and grading permits, conditional use permits, special use permits, site development permits,

Commented [JC134]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

1787 shoreline substantial development permits~~((s))~~ or binding site plans~~((urban planned~~
1788 ~~development permits or fully contained community permits))~~ issued for development
1789 activities on or within five hundred feet of designated agricultural lands, forest lands or
1790 mineral resource lands contain a notice that the subject property is within or near designated
1791 agricultural lands, forest lands or mineral resource lands on which a variety of commercial
1792 activities may occur that are not compatible with residential development for certain periods
1793 of limited duration.

1794 H. To the greatest extent practicable, the department shall make a final
1795 determination on all permits required for a Washington state Department of Transportation
1796 project on a state highway as defined in RCW 46.04.560 with an estimated cost of less than
1797 five hundred million dollars no later than ninety days after receipt of a complete permit
1798 application.

1799 SECTION X. Ordinance 12196, Section 19, as amended, and K.C.C. 20.20.120 are
1800 hereby amended to read as follows:

1801 The ~~((director))~~ department shall ~~((issue a citizen's guide to))~~ produce guides
1802 describing permit processing, including making an appeal or participating in a hearing. The
1803 department shall make them available to the public in printed and electronic forms and shall
1804 post them to its website.

1805 SECTION X. Ordinance 3692, Section 2, as amended, and K.C.C. 20.20.200 are
1806 hereby amended to read as follows:

1807 A. The King County shoreline master program consists of the following elements,
1808 enacted on or before ~~((March 25, 2021))~~ the date of enactment of this ordinance:

1809 1. The King county Comprehensive Plan chapter six;

Commented [JC135]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC136]: This can/should be the department, consistent with K.C.C. 20.22.300.

Commented [JC137]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC138]: Change required by the state to reflect that this ordinance is making changes to elements of the shoreline master program.

- 1810 2. K.C.C. chapter 21A.25;
- 1811 3. The following sections of K.C.C. chapter 21A.24:
- 1812 a. K.C.C. 21A.24.045;
- 1813 b. K.C.C. 21A.24.051;
- 1814 c. K.C.C. 21A.24.055;
- 1815 d. K.C.C. 21A.24.070.A., D. and E.;
- 1816 e. K.C.C. 21A.24.125;
- 1817 f. K.C.C. 21A.24.130;
- 1818 g. K.C.C. 21A.24.133;
- 1819 h. K.C.C. 21A.24.200;
- 1820 i. K.C.C. 21A.24.210;
- 1821 j. K.C.C. 21A.24.220;
- 1822 k. K.C.C. 21A.24.275;
- 1823 l. K.C.C. 21A.24.280;
- 1824 m. K.C.C. 21A.24.290;
- 1825 n. K.C.C. 21A.24.300;
- 1826 o. K.C.C. 21A.24.310;
- 1827 p. K.C.C. 21A.24.316;
- 1828 q. K.C.C. 21A.24.318;
- 1829 r. K.C.C. 21A.24.325;
- 1830 s. K.C.C. 21A.24.335;
- 1831 t. K.C.C. 21A.24.340;
- 1832 u. K.C.C. 21A.24.355;

- 1833 v. K.C.C. 21A.24.358;
- 1834 w. K.C.C. 21A.24.365;
- 1835 x. K.C.C. 21A.24.380;
- 1836 y. K.C.C. 21A.24.382;
- 1837 z. K.C.C. 21A.24.386; and
- 1838 aa. K.C.C. 21A.24.388;
- 1839 4. The following:
- 1840 a. K.C.C. 20.18.040;
- 1841 b. K.C.C. 20.18.050;
- 1842 c. K.C.C. 20.18.056;
- 1843 d. K.C.C. 20.18.057;
- 1844 e. K.C.C. 20.18.058;
- 1845 f. K.C.C. 20.22.160;
- 1846 g. K.C.C. 20.24.510;
- 1847 h. K.C.C. 21A.32.045;
- 1848 i. K.C.C. 21A.44.090;
- 1849 j. K.C.C. 21A.44.100; and
- 1850 k. K.C.C. 21A.50.030.

1851 B. The shoreline management goals and policies constitute the official policy of
1852 King County regarding areas of the county subject to shoreline management jurisdiction
1853 under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local
1854 administrative, enforcement and permit review procedures shall conform to chapter 90.58
1855 RCW but shall not be a part of the master program.

1856 C. Amendments to the shoreline master program do not apply to the shoreline
1857 jurisdiction until approved by the Washington state Department of Ecology as provided in
1858 RCW 90.58.090. The department of local services, permitting division, shall, within ten
1859 days after the date of the Department of Ecology's approval, file a copy of the Department of
1860 Ecology's approval, in the form of a paper copy and an electronic copy, with the clerk of the
1861 council, who shall retain the paper copy and forward electronic copies to all
1862 councilmembers, chief of staff, policy staff director and the lead staff of the mobility and
1863 environment committee, or its successor.

1864 SECTION X. Ordinance 4461, Section 10, as amended, and K.C.C. 20.22.150 are
1865 hereby amended to read as follows:

1866 When the examiner issues a recommendation regarding an application for a zone
1867 reclassification of property, the recommendation shall include findings on whether the
1868 application meets both of the following:

1869 A. The proposed rezone is consistent with the King County Comprehensive Plan;
1870 and

1871 B.1. The property is potentially zoned for the reclassification being requested;

1872 2. An adopted subarea plan(~~subarea study~~) or an area zoning and land use study
1873 specifies that the property shall be subsequently considered through an individual
1874 reclassification application; or

1875 3. The requested reclassification is based on changed conditions.

1876 SECTION X. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are
1877 hereby amended to read as follows:

Commented [JC139]: "Subarea studies" is a term that has inconsistent definitions and usage throughout the Comp Plan and code. Upon review of the references to subarea studies, it was determined that the "subarea study" requirements could either be met via an area zoning and land use study and/or a subarea plan (depending on the case) in current practice or were not applicable in the instance it was being referenced. Subarea study references are replaced by area zoning and land use studies and/or subarea plans, or removed, to reflect existing intent. The subarea study definition will be removed, as it is no longer necessary.

In this case, subarea plans and area zoning and land use studies can both do this. Additionally, "area zoning" is old terminology; updated to current "area zoning and land use study" defined term.

1878 A. To be eligible for open space classification under the public benefit rating
1879 system, property must contain one or more qualifying open space resources and have at least
1880 five points as determined under this section. The department shall review each application
1881 and recommend award of credit for current use of property that is the subject of the
1882 application. In making such a recommendation, the department shall utilize the point
1883 system described in subsections B. and C. of this section.

1884 B. The following open space resources are each eligible for the points indicated:

1885 1. Public recreation area - five points. For the purposes of this subsection B.1,
1886 "public recreation area" means land devoted to providing active or passive recreation use or
1887 that complements or substitutes for recreation facilities characteristically provided by public
1888 agencies. Use of motorized vehicles is prohibited on land receiving tax reduction for this
1889 category, except for golf carts on golf courses, for maintenance or for medical, public safety
1890 or police emergencies. To be eligible as a public recreation area, the facilities must be open
1891 to the general public or to specific public user groups, such as youth, seniors ~~((citizens))~~ or
1892 people with disabilities. A property must be identified by the responsible agency within
1893 whose jurisdiction the property is located as meeting the definition of public recreation area.
1894 If a property meets the definition of public recreation area, the property owner must use best
1895 practices, if any, that are defined in K.C.C. chapter 21A.06. If a fee is charged for use, it
1896 must be comparable to the fee charged by a like public facility;

1897 2. Aquifer protection area-five points. For the purposes of this subsection B.2,
1898 "aquifer protection area" means property that has a plant community in which native plants
1899 are dominant and that includes an area designated as a critical aquifer recharge area under
1900 K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area regulations. To be

Commented [JC140]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

1901 eligible as an aquifer protection area, at least fifty percent of the enrolling open space area or
1902 a minimum of one acre of open space shall be designated as a critical aquifer recharge area.
1903 If the enrolling open space area does not have a plant community in which native plants are
1904 dominant, a plan for revegetation must be submitted and approved by the department, and
1905 be implemented according to the plan's proposed schedule of activities;

1906 3. Buffer to public or current use classified land - three points. For the purposes of
1907 this subsection B.3, "buffer to public or current use classified land" means land that has a
1908 plant community in which native plants are dominant or has other natural features, such as
1909 streams or wetlands, and that is adjacent and provides a buffer to a publicly owned park,
1910 trail, forest, land legally required to remain in a natural state or a state or federal highway or
1911 is adjacent to and provides a buffer to a property participating in a current use taxation
1912 program under chapter 84.33 or 84.34 RCW. The buffer shall be no less than fifty feet in
1913 length and fifty feet in width. Public roads may separate the public land, or land in private
1914 ownership classified under chapter 84.33 or 84.34 RCW, from the buffering land, if the
1915 entire buffer is at least as wide and long as the adjacent section of the road easement.
1916 Landscaping or other nonnative vegetation shall not separate the public land or land enrolled
1917 under chapter 84.33 or 84.34 RCW from the native vegetation buffer. The department may
1918 grant an exception to the native vegetation requirement for property along parkways with
1919 historic designation, upon review and recommendation of the historic preservation officer of
1920 King County or the local jurisdiction in which the property is located. Eligibility for this
1921 exception does not extend to a property where plantings are required or existing plant
1922 communities are protected under local zoning codes, development mitigation requirements
1923 or other local regulations;

1924 4. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. For the purposes
1925 of this subsection B.4, "equestrian-pedestrian-bicycle trail linkage" means land in private
1926 ownership that the property owner allows the public to use as an off-road trail linkage for
1927 equestrian, pedestrian or other nonmotorized uses or that provides a trail link from a public
1928 right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a
1929 tax reduction for this category, except for maintenance or for medical, public safety or
1930 police emergencies. Public access is required only on that portion of the property containing
1931 the trail. The landowner may impose reasonable restrictions on access that are mutually
1932 agreed to by the landowner and the department, such as limiting use to daylight hours. To
1933 be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail
1934 easement to an appropriate public or private entity acceptable to the department. The
1935 easement shall be recorded with the records and licensing services division. In addition to
1936 the area covered by the trail easement, adjacent land used as pasture, barn or stable area and
1937 any corral or paddock may be included, if an approved and implemented farm management
1938 plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian
1939 uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside
1940 and marked for off road parking for trail users may also be included as land eligible for
1941 current use taxation. Those portions of private roads, driveways or sidewalks open to the
1942 public for this purpose may also qualify. Fencing and gates are not allowed in the trail
1943 easement area, except those that are parallel to the trail or linkage;

1944 5. Active trail linkage - fifteen or twenty-five points. For the purposes of this
1945 subsection B.5., "active trail linkage" means land in private ownership through which the
1946 owner agrees to allow nonmotorized public passage, for the purpose of providing a

1947 connection between trails within the county's regional trails system and local or regional
1948 attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists
1949 and other users. For the purposes of this subsection B.5., "local or regional attractions or
1950 points of interest" include other trails, parks, waterways or other recreational and open space
1951 attractions, retail centers, arts and cultural facilities, transportation facilities, residential
1952 concentrations or similar destinations. To be eligible as an active trail linkage, the linkage
1953 must be open to passage by the general public and the property owner must enter into an
1954 agreement with the county consistent with applicable parks and recreation division policies
1955 to grant public access. To receive twenty-five points, the property owner must enter into an
1956 agreement with the county regarding improvement of the trail, including trail pavement and
1957 maintenance. To receive fifteen points, the property owner must agree to allow a soft-
1958 surface, nonpaved trail. The parks and recreation division is authorized to develop criteria
1959 for determining the highest priority linkages for which it will enter into agreements with
1960 property owners.

1961 6. Farm and agricultural conservation land - five points. For the purposes of this
1962 subsection B.6., "farm and agricultural conservation land" means land previously classified
1963 as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm
1964 and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that
1965 has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high
1966 potential for returning to commercial agriculture. To be eligible as farm and agricultural
1967 conservation land, the property must be used for farm and agricultural activities or have a
1968 high probability of returning to agriculture and the property owner must commit to return
1969 the property to farm or agricultural activities by implementing a farm management plan. An

1970 applicant must have an approved farm management plan in accordance with K.C.C.
1971 21A.24.051 that is acceptable to the department and that is being implemented according to
1972 its proposed schedule of activities before receiving credit for this category. Farm and
1973 agricultural activities must occur on at least one acre of the property. Eligible land must be
1974 zoned to allow agricultural uses and be owned by the same owner or held under the same
1975 ownership. Land receiving credit for this category shall not receive credit for the category
1976 "contiguous parcels under separate ownership";

1977 7. Forest stewardship land - five points. For the purposes of this subsection B.7.,
1978 "forest stewardship land" means property that is managed according to an approved forest
1979 stewardship plan and that is not enrolled in the designated forestland program under chapter
1980 84.33 RCW. To be eligible as forest stewardship land, the property must contain at least
1981 four acres of contiguous forestland, which may include land undergoing reforestation,
1982 according to the approved plan. The owner shall have and implement a forest stewardship
1983 plan approved by the department. The forest stewardship plan may emphasize forest
1984 retention, harvesting or a combination of both. Land receiving credit for this category shall
1985 not receive credit for the resource restoration category or the rural stewardship land
1986 category;

1987 8. Historic landmark or archeological site: buffer to a designated site - three
1988 points. For the purposes of this subsection B.8, "historic landmark or archaeological site:
1989 buffer to a designated site" means property adjacent to land constituting or containing a
1990 designated county or local historic landmark or archeological site, as determined by the
1991 historic preservation officer of King County or other jurisdiction in which the property is
1992 located that manages a certified local government program. To be eligible as a historic

1993 landmark or archeological site: buffer to a designated site, a property must have a plant
1994 community in which native plants are dominant and be adjacent to or in the immediate
1995 vicinity of and provide a significant buffer for a designated landmark or archaeological site
1996 listed on the county or other certified local government list or register of historic places or
1997 landmarks. For the purposes of this subsection B.8., "significant buffer" means land and
1998 plant communities that provide physical, visual, noise or other barriers and separation from
1999 adverse effects to the historic resources due to adjacent land use;

2000 9. Historic landmark or archeological site: designated site - five points. For the
2001 purposes of this subsection B.9., "historic landmark or archaeological site: designated site"
2002 means land that constitutes or upon which is situated a historic landmark designated by King
2003 County or other certified local government program. Historic landmarks include buildings,
2004 structures, districts or sites of significance in the county's historic or prehistoric heritage,
2005 such as Native American settlements, trails, pioneer settlements, farmsteads, roads,
2006 industrial works, bridges, burial sites, prehistoric and historic archaeological sites or
2007 traditional cultural properties. To be eligible as a historic landmark or archeological site:
2008 designated site, a property must be listed on a county or other certified local government list
2009 or register of historic places or landmarks for which there is local regulatory protection.
2010 Eligible property may include property that contributes to the historic character within
2011 designated historic districts, as defined by the historic preservation officer of King County
2012 or other certified local government jurisdiction. The King County historic preservation
2013 officer shall make the determination on eligibility;

2014 10. Historic landmark or archeological site: eligible site - three points. For the
2015 purposes of this subsection B.10., "historic landmark or archaeological site: eligible site"

2016 means land that constitutes or upon which is situated a historic property that has the
2017 potential of being designated by a certified local government jurisdiction, including
2018 buildings, structures, districts or sites of significance in the county's historic or prehistoric
2019 heritage, such as Native American settlements, pioneer settlements, farmsteads, roads,
2020 industrial works, bridges, burial sites, prehistoric and historic archaeological sites or
2021 traditional cultural properties. An eligible property must be determined by the historic
2022 preservation officer of King County or other certified local government program in the
2023 jurisdiction in which the property is located to be eligible for designation and listing on the
2024 county or other local register of historic places or landmarks for which there is local
2025 regulatory protection. Eligible property may include contributing property within
2026 designated historic districts. Property listed ~~((en))~~ in the state or national Registers of
2027 Historic Places may qualify under this category;

Commented [JC141]: Technical corrections per Historic Preservation Program

2028 11. Rural open space - five points. For the purposes of this subsection B.11., "rural
2029 open space" means an area of ten or more contiguous acres of open space located outside of
2030 the urban growth area as identified in the King County Comprehensive Plan that:

- 2031 a. has a plant community in which native plants are dominant;
2032 b. is former open farmland, woodlots, scrublands or other lands that are in the
2033 process of being replanted with native vegetation for which the property owner is
2034 implementing an approved farm management, forest stewardship, rural stewardship or
2035 resource restoration plan acceptable to the department;

2036 12. Rural stewardship land - five points. For the purposes of this subsection B.12.,
2037 "rural stewardship land" means lands zoned RA (rural area), A (agriculture) or F (forest),
2038 that has an implemented rural stewardship plan as provided in K.C.C. chapter 21A.24 that is

2039 acceptable to the department. On RA-zoned property, the approved rural stewardship plan
2040 shall meet the goals and standards of K.C.C. 21A.24.055. For A- and F-zoned properties,
2041 credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055 D.
2042 through G. A rural stewardship plan includes, but is not limited to, identification of critical
2043 areas, location of structures and significant features, site-specific best management practices,
2044 a schedule for implementation and a plan for monitoring as provided in K.C.C. 21A.24.055.
2045 To be eligible as rural stewardship land, the open space must be at least one acre and feature
2046 a plant community in which native plants are dominant or be in the process of restoration,
2047 reforestation or enhancement of native vegetation. Land receiving credit for this category
2048 shall not receive credit for the resource restoration or the forest stewardship land category;

2049 13. Scenic resource, viewpoint or view corridor - five points.

2050 a. For the purposes of this subsection B.13., "scenic resource" means an area of
2051 ten or more enrolling acres of natural or recognized cultural features visually significant to
2052 the aesthetic character of the county. A site eligible as a scenic resource must be significant
2053 to the identity of the local area and must be visible to a significant number of the general
2054 public from public rights-of-way, must be of sufficient size to substantially preserve the
2055 scenic resource value and must enroll at least ten acres of open space.

2056 b. For the purposes of this subsection B.13., a "viewpoint" means a property that
2057 provides a view of an area visually significant to the aesthetic character of the county. To be
2058 eligible as a viewpoint, a site must provide a view of a scenic natural or recognized cultural
2059 resource in King County or other visually significant area and allows unlimited public
2060 access and be identified by a permanent sign readily visible from a road or other public
2061 right-of-way.

2062 c. For the purposes of this subsection B.13., a "view corridor" means a property
2063 that contributes to the aesthetics of a recognized view corridor critical to maintaining a
2064 public view of a visually significant scenic natural or recognized cultural resource. A site
2065 eligible as a view corridor must contain at least one acre of open space that contributes to a
2066 view corridor visible to the public that provides views of a scenic natural resource area or
2067 recognized cultural resource significant to the local area. Recognized cultural areas must be
2068 found significant by the King County historic preservation officer or equivalent officer of
2069 another certified local government program and must contain significant inventoried or
2070 designated historic properties. Eligibility is subject to determination by the department or
2071 applicable jurisdiction;

2072 14. Significant plant or ecological site - five points. For the purposes of this
2073 subsection B.14., "significant plant or ecological site" means an area that meets criteria for
2074 Element Occurrence established under the Washington Natural Heritage Program authorized
2075 by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation
2076 of a rare species or ecosystem. An eligible site must be listed as an Element Occurrence by
2077 the Washington Natural Heritage Program as of the date of the application or be identified
2078 as a property that meets the criteria for an Element Occurrence. The identification must be
2079 confirmed by a qualified expert acceptable to the department. The department will notify
2080 the Washington Natural Heritage Program of any verified element occurrence on an
2081 enrolling property. Commercial nurseries, arboretums or other maintained garden sites with
2082 native or nonnative plantings are ineligible for this category;

2083 15. Significant wildlife or salmonid habitat - five points.

2084 a. For the purposes of this subsection B.15, "significant wildlife or salmonid
2085 habitat" means:

2086 (1) an area used by animal species listed as endangered, threatened, sensitive or
2087 candidate by the Washington state Department of Fish and Wildlife or Department of
2088 Natural Resources as of the date of the application, or used by species of local significance
2089 that are listed by the King County Comprehensive Plan or a local jurisdiction;

2090 (2) an area where the species listed in subsection B.15.a.(1) of this section are
2091 potentially found with sufficient frequency for critical ecological processes to occur such as
2092 reproduction, nesting, rearing, wintering, feeding or resting;

2093 (3) a site that meets the criteria for priority habitats as defined by the
2094 Washington state Department of Fish and Wildlife that is so listed by the King County
2095 Comprehensive Plan or the local jurisdiction in which the property is located; or

2096 (4) a site that meets criteria for a wildlife habitat conservation area as defined by
2097 the department or a local jurisdiction.

2098 b. To be eligible as significant wildlife or salmonid habitat, the department or by
2099 expert determination acceptable to the department must verify that qualified species are
2100 present on the property or that the land fulfills the functions described in subsection B.15.a.
2101 of this section. To receive credit for salmonid habitat, the owner must provide a buffer at
2102 least fifteen percent greater in width than required by any applicable regulation. Property
2103 consisting mainly of disturbed or fragmented open space determined by the department as
2104 having minimal wildlife habitat significance is ineligible for this category;

2105 16. Special animal site - three points. For the purposes of this subsection B.16.,
2106 "special animal site" means a site that includes a wildlife habitat network identified by the

2107 King County Comprehensive Plan or individual jurisdictions through the Growth
2108 Management Act, chapter 36.70A RCW, or urban natural area as identified by the
2109 Washington state Department of Fish and Wildlife's priority habitats and species project as
2110 of the date of the application. To be eligible as a special animal site, the property must be
2111 identified by King County or local or state jurisdiction or by expert verification acceptable
2112 to the department or local jurisdiction. Property consisting mainly of disturbed or
2113 fragmented open space determined by the department to have minimal wildlife habitat
2114 significance is ineligible for this category;

2115 17. Surface water quality buffer - five points. For the purposes of this subsection
2116 B.17., "surface water quality buffer" means an undisturbed area that has a plant community
2117 in which native plants are dominant adjacent to a lake, pond, stream, shoreline, wetland or
2118 marine waters, that provides buffers beyond that required by any applicable regulation. To
2119 be eligible as surface water quality buffer, the buffer must be at least fifty percent wider than
2120 the buffer required by any applicable regulation and longer than twenty-five feet. The
2121 qualifying buffer area must be preserved from clearing and intrusion by domestic animals
2122 and protected from grazing or use by livestock;

2123 18. Urban open space - five points.

2124 a. For the purposes of this subsection B.18, "urban open space" means land
2125 located within the boundaries of a city or within the urban growth area that has a plant
2126 community in which native plants are dominant and that under the applicable zoning is
2127 eligible for more intensive development or use. To be eligible as urban open space, the
2128 enrolling area must be at least one acre, or be at least one-half acre if the land meets one of
2129 the following criteria:

- 2130 (1) the land conserves and enhances natural or scenic resources;
2131 (2) the land protects streams or water supply;
2132 (3) the land promotes conservation of soils, wetlands, beaches or tidal marshes;
2133 (4) the land enhances the value to the public of abutting or neighboring parks,
2134 forests, wildlife preserves, nature reservations or sanctuaries or other open space;
2135 (5) the land enhances recreation opportunities to the general public; or
2136 (6) the land preserves visual quality along highways, roads, and streets or
2137 scenic vistas.

2138 b. Owners of noncontiguous properties that together meet the minimum acreage
2139 requirement of subsection B.18.a. of this section may jointly apply under this category if
2140 each property is closer than seventy-five feet to one other property in the application and if
2141 each property contains an enrolling open space area at least as large as the minimum zoned
2142 lot size; and

2143 19. Watershed protection area - five points. For the purposes of this subsection
2144 B.19, "watershed protection area" means property contributing to the forest cover that
2145 provides run-off reduction and groundwater protection. To be eligible as watershed
2146 protection area, the property must consist of contiguous native forest or be in the process of
2147 reforestation. The enrolling forested area must consist of additional forest cover beyond that
2148 required by county or applicable local government regulation and must be at least one acre
2149 or sixty-five percent of the property acreage, whichever is greater. If reforestation or
2150 improvements to the forest health are necessary, the property owner shall provide and
2151 implement a forest stewardship, resource restoration or rural stewardship plan that addresses
2152 this need and is acceptable to the department.

2153 C. Property qualifying for an open space category in subsection B. of this section
2154 may receive credit for additional points as follows:

2155 1. Resource restoration - five points. For the purposes of this subsection C.1,
2156 "resource restoration" means restoration of an enrolling area benefiting an area in an open
2157 space resource category. Emphasis shall be placed on restoration of anadromous fish
2158 rearing habitat, riparian zones, migration corridors and wildlife, upland, stream and wetland
2159 habitats. To be eligible as resource restoration, the owner must provide and implement a
2160 restoration plan developed in cooperation with the Soil Conservation Service, the state
2161 Department of Fisheries and Wildlife, King County or other appropriate local or county
2162 agency that is acceptable to the department. Historic resource restoration must be approved
2163 by the King County historic preservation officer or officer of another certified local
2164 government and must be accompanied by a long-term maintenance plan. For resource
2165 restoration credit, the owner shall provide to the department a yearly monitoring report for at
2166 least five years following enrollment in the public benefit rating system program. The
2167 report shall describe the progress and success of the restoration project and shall include
2168 photographs to document the success. Land receiving credit for this category shall not
2169 receive credit for the forest stewardship land category or the rural stewardship land category;

2170 2. Additional surface water quality buffer - three or five points. For the purposes
2171 of this subsection C.2, "additional surface water quality buffer" means an undisturbed area
2172 of native vegetation adjacent to a lake, pond, stream, wetland or marine water providing a
2173 buffer width of at least twice that required by regulation. To be eligible as additional surface
2174 water quality buffer, the property must qualify for the surface water quality buffer category
2175 in subsection B. of this section. Three points are awarded for additional buffers no less than

2176 two times the buffer width required by any applicable regulation. Five points are awarded
2177 for additional buffers no less than three times the buffer width required by any applicable
2178 regulation;

2179 3. Contiguous parcels under separate ownership - two points per participating
2180 owner above one owner. The points under this subsection C.3. accrue to all of the owners of
2181 a single application. However, the withdrawal of a participating property by an owner
2182 results in the loss of two points to the total credit awarded for each of the remaining owners
2183 under this subsection C.3. For the purposes of this subsection C.3, "contiguous parcels"
2184 means either:

2185 a. enrolling parcels abut each other without any significant natural or human-
2186 made barrier separating them; or

2187 b. enrolling parcels abut a publicly owned open space but not necessarily abut
2188 each other without any significant natural or human-made barriers separating the publicly
2189 owned open space and the parcels seeking open space classification. Contiguous parcels of
2190 land with the same qualifying public benefit rating system resources are eligible for
2191 treatment as a single parcel if open space classification is sought under the same application
2192 except as otherwise prohibited by the farm and agricultural conservation land category.

2193 Award of this category requires a single application by multiple owners and parcels with
2194 identical qualifying public benefit rating system resources. Treatment as contiguous parcels
2195 shall include the requirement to pay only a single application fee and the requirement that
2196 the total area of all parcels combined must equal or exceed any required minimum area,
2197 rather than each parcel being required to meet the minimum area. Individual parcels may be
2198 withdrawn from open space classification consistent with all applicable rules and regulations

2199 without affecting the continued eligibility of all other parcels accepted under the same
2200 application, but the combined area of the parcels remaining in open space classification must
2201 still qualify for their original enrolling public benefit rating system category or categories.

2202 To be eligible as contiguous parcels under separate ownership, the property must include
2203 two or more parcels under different ownership. The owners of each parcel included in the
2204 application must agree to identical terms and conditions for enrollment in the program;

2205 4. Conservation easement or historic preservation easement - fifteen points. For
2206 the purposes of this subsection C.4, "conservation easement or historic preservation
2207 easement" means land on which an easement is voluntarily placed that restricts, in
2208 perpetuity, further potential development or other uses of the property. The granting of this
2209 conservation easement or historic preservation easement provides additional value through
2210 permanent protection of a resource. These easements are typically donated or sold to a
2211 government or nonprofit organization, such as a land trust or conservancy. To be eligible as
2212 conservation easement or historic preservation easement, the easement must be approved by
2213 the department and be recorded with the records and licensing services division. The
2214 easement shall be conveyed to the county or to an organization acceptable to the department.
2215 In addition, historic preservation easements shall also be approved by the historic
2216 preservation officer of King County or officer of another certified local government
2217 jurisdiction in which the property is located. An easement required by zoning, subdivision
2218 conditions or other land use regulation is not eligible unless an additional substantive
2219 easement area is provided beyond that otherwise required;

2220 5. Public access - points depend on type and frequency of access allowed. For the
2221 purposes of this subsection C.5, "public access " means the general public is allowed access

2222 on an ongoing basis for uses such as, but not limited to, recreation, education or training.
2223 Access must be allowed on only the portion of the property that is designated for public
2224 access. The landowner may impose reasonable restrictions on access, such as limiting use
2225 to daylight hours, that are mutually agreed to by the landowner and the department. No
2226 physical barriers may limit reasonable public access or negatively affect an open space
2227 resource. To be eligible for public access at one of the levels described in a. through d. of
2228 this subsection C.5, a property owner shall demonstrate that the property is open to public
2229 access and is used by the public. Public access points for historic properties shall be
2230 approved by the historic preservation officer of King County or officer of another certified
2231 local government jurisdiction in which the property is located. The property owner may be
2232 required to furnish and maintain signage according to county specifications.

2233 a. Unlimited public access - five points. Year-round access by the general public
2234 is allowed on the enrolled parcel without special arrangements with the property owner.

2235 b. Limited public access because of resource sensitivity - five points. Access
2236 may be reasonably limited by the property owner on the enrolled parcel due to the sensitive
2237 nature of the resource, with access provided only to appropriate user groups. The access
2238 allowed shall generally be for an educational, scientific or research purpose and may require
2239 special arrangements with the owner.

2240 c. Environmental education access - three points. The landowner enters into an
2241 agreement with a school, an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or with
2242 the agreement of the department, other community organization that allows membership by
2243 the general public to provide environmental education on the enrolled parcel to its members

2244 or the public at large. The landowner and the department must mutually agree that the
2245 enrolled parcel has value for environmental education purposes.

2246 d. Seasonally limited public access - three points. Access by the public is
2247 allowed on the enrolled parcel, without special arrangements with the property owner,
2248 during only part of the year based on seasonal conditions, as mutually agreed to by the
2249 landowner and the department.

2250 e. None or members-only - zero points. No public access is allowed or the access
2251 is allowed only by members of the organization using or owning the land; and

2252 6. Easement and access - thirty-five points. For the purposes of this subsection
2253 C.6, "easement and access" means that the property has at least one qualifying open space
2254 resource, unlimited public access or limited public access due to resource sensitivity, and a
2255 conservation easement or historic preservation easement in perpetuity in a form and with
2256 conditions acceptable to the department. To be eligible a property must receive credit for an
2257 open space category and for the conservation easement or historic easement in perpetuity
2258 category. The owner must agree to allow public access to the portion of the property
2259 designated for public access in the easement. An easement required by zoning, subdivision
2260 conditions or other land use regulation is not eligible, unless there is additional easement
2261 area beyond that required. Credit for this category cannot overlap with the equestrian-
2262 pedestrian-bicycle trail linkage category.

2263 SECTION X. Ordinance 4828, Section 4, as amended, and K.C.C. 20.62.040 are
2264 hereby amended to read as follows:

2265 A. An historic resource may be designated as a King County landmark if it is more
2266 than forty years old or, in the case of a landmark district, contains resources that are more

2267 than forty years old, and possesses integrity of location, design, setting, materials, quality of
2268 work, feeling or association, or any combination of the foregoing aspects of integrity,
2269 sufficient to convey its historic character, and:

2270 1. Is associated with events that have made a significant contribution to the broad
2271 patterns of national, state or local history;

2272 2. Is associated with the lives of persons significant in national, state or local
2273 history;

2274 3. Embodies the distinctive characteristics of a type, period, style or method of
2275 design or construction, or that represents a significant and distinguishable entity whose
2276 components may lack individual distinction;

2277 4. Has yielded, or may be likely to yield, information important in prehistory or
2278 history; or

2279 5. Is an outstanding work of a designer or builder who has made a substantial
2280 contribution to the art.

2281 B. An historic resource may be designated a community landmark because it is an
2282 easily identifiable visual feature of a neighborhood or the county and contributes to the
2283 distinctive quality or identity of such neighborhood or county or because of its association
2284 with significant historical events or historic themes, association with important or prominent
2285 persons in the community or county or recognition by local ~~((citizens))~~ individuals for
2286 substantial contribution to the neighborhood or community. An improvement or site
2287 qualifying for designation solely by virtue of satisfying criteria set out in this section shall be
2288 designated a community landmark and shall not be subject to K.C.C. 20.62.080.

Commented [JC142]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

2289 C. Cemeteries, birthplaces or graves of historical figures, properties owned by
2290 religious institutions or used for religious purposes, structures that have been moved from
2291 their original locations, reconstructed historic buildings, properties primarily
2292 commemorative in nature and properties that have achieved significance within the past
2293 forty years shall not be considered eligible for designation. However, such a property shall
2294 be eligible for designation if they are:

2295 1. An integral part of districts that meet the criteria set out in subsection A. of this
2296 section or if it is:

2297 2. A religious property deriving primary significance from architectural or artistic
2298 distinction or historical importance;

2299 3. A building or structure removed from its original location but that is significant
2300 primarily for its architectural value, or which is the surviving structure most importantly
2301 associated with a historic person or event;

2302 4. A birthplace, grave or residence of a historical figure of outstanding importance
2303 if there is no other appropriate site or building directly associated with the historical figure's
2304 productive life;

2305 5. A cemetery that derives its primary significance from graves of persons of
2306 transcendent importance, from age, from distinctive design features or from association with
2307 historic events;

2308 6. A reconstructed building when accurately executed in a suitable environment
2309 and presented in a dignified manner or as part of a restoration master plan, and when no
2310 other building or structure with the same association has survived;

2311 7. A property commemorative in intent if design, age, tradition or symbolic value
2312 has invested it with its own historical significance; or

2313 8. A property achieving significance within the past forty years if it is of
2314 exceptional importance.

2315 SECTION X. Ordinance 10870, Section 17, as amended, and K.C.C. 21A.02.070
2316 are hereby amended to read as follows:

2317 A. All references to the Standard Industrial Classification (SIC) are to the titles and
2318 descriptions found in the Standard Industrial Classification Manual, 1987 edition, prepared
2319 by United States Office of Management and Budget which is hereby adopted by reference.
2320 The (SIC) is used, with modifications to suit the purposes of this title, to list and define land
2321 uses authorized to be located in the various zones consistent with the comprehensive plan
2322 land use map.

2323 B. The SIC categorizes each land use under a general two-digit major group
2324 number, or under a more specific three- or four-digit industry group or industry number. A
2325 use shown on a land use table with a two-digit number includes all uses listed in the SIC for
2326 that major group. A use shown with a three-digit or four-digit number includes only the uses
2327 listed in the SIC for that industry group or industry.

2328 C. An asterisk (*) in the SIC number column of a land use table means that the SIC
2329 definition for the specific land use identified has been modified by this title. The definition
2330 may include one or more SIC subclassification numbers, or may define the use without
2331 reference to the SIC.

2332 D. The Director shall determine whether a proposed land use not specifically listed
2333 in a land use table or specifically included within a SIC classification is allowed in a zone.

2334 The director's determination shall be based on whether or not permitting the proposed use in
2335 a particular zone is consistent with the purposes of this title and the zone's purpose as set
2336 forth in K.C.C. 21A.04, by considering the following factors:

2337 1. The physical characteristics of the use and its supporting structures, including
2338 but not limited to scale, traffic and other impacts, and hours of operation;

2339 2. Whether or not the use complements or is compatible with other uses permitted
2340 in the zone; and

2341 3. The SIC classification, if any, assigned to the business or other entity that will
2342 carry on the primary activities of the proposed use.

2343 E. If a proposed land use subject to subsection D. of this section is an essential
2344 public facility under the Washington state Growth Management Act, it shall be evaluated
2345 using the special use permit process and consistent with the Act, the King County
2346 Countywide Planning Policies, and the King County Comprehensive Plan.

2347 SECTION X. Ordinance 10870, Section 28, as amended, and K.C.C. 21A.04.070
2348 are hereby amended to read as follows:

2349 A. The purposes of the urban reserve zone (UR) are to phase growth and demand
2350 for urban services, and to reserve large tracts of land for possible future growth in
2351 portions of King County designated by the Comprehensive Plan for future urban growth
2352 while allowing reasonable interim uses of property; or to reflect designation by the
2353 Comprehensive Plan of a property or area as part of the urban growth area when a
2354 detailed plan for urban uses and densities has not been completed. These purposes are
2355 accomplished by:

2356 1. Allowing for rural, agricultural and other low-density uses;

Commented [JC143]: Added to ensure consistency with Growth Management Act requirements to not preclude the siting of essential public facilities and to have a process for how such proposed facilities will be reviewed.

2357 2. Allowing for limited residential growth, either contiguous to existing urban
2358 public facilities, or at a density supportable by existing rural public service levels; and

2359 3. Requiring clustered residential developments where feasible, to prevent
2360 establishment of uses and lot patterns which may foreclose future alternatives and impede
2361 efficient later development at urban densities.

2362 B. Use of this zone is appropriate in urban areas, rural towns or in ~~((rural city
2363 expansion areas))~~ the Urban Growth Areas for Cities in the Rural Area designated by the
2364 Comprehensive Plan, when such areas do not have adequate public facilities and services
2365 or are not yet needed to accommodate planned growth, or do not yet have detailed land
2366 ~~use plans for urban uses and densities ((, or are designated as sites for a potential urban
2367 planned development or new fully contained communities))~~.

2368 SECTION X. Ordinance 10870, Section 29, as amended, and K.C.C. 21A.04.080
2369 are hereby amended to read as follows:

2370 A. The purpose of the urban residential zone (R) is to implement comprehensive
2371 plan goals and policies for housing quality, diversity and affordability, and to efficiently use
2372 urban residential land, public services, and ~~((energy))~~ utilities. These purposes are
2373 accomplished by:

2374 I. Providing, in the R-1 through R-8 zones, for a mix of ~~((predominantly))~~ single
2375 detached dwelling units, duplexes, triplexes and fourplexes, and other development types,
2376 with a variety of densities and sizes in locations appropriate for urban densities;

2377 2. Providing, in the R-12 through R-48 zones, for a mix of predominantly
2378 apartment and townhouse dwelling units, mixed-use and other development types, with a
2379 variety of densities and sizes in locations appropriate for urban densities;

Commented [JC144]: To align with 2016 "rural area" terminology changes and current terminology in the Comprehensive Plan

Commented [JC145]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC146]: clarifying edit to reflect existing intent

Commented [JC147]: Scope II.C.1
Aligns with proposed code amendments related with middle housing later in this ordinance.

2380 3. Allowing only those accessory and complementary nonresidential uses that are
2381 compatible with urban residential communities; and

2382 4. Establishing density designations to facilitate advanced area-wide planning for
2383 public facilities and services, and to protect environmentally sensitive sites from over
2384 development.

2385 B. Use of this zone is appropriate in urban areas, activity centers, or Rural Towns
2386 designated by the Comprehensive Plan as follows:

2387 1. The R-1 zone on or adjacent to lands with area-wide environmental constraints
2388 where development is required to cluster away from sensitive areas, on lands designated
2389 urban separators or wildlife habitat network where development is required to cluster away
2390 from the axis of the corridor on critical aquifer recharge areas, and on Regionally and
2391 Locally Significant Resource Areas (RSRAs/LSRAs) or in well-established subdivisions of
2392 the same density, which are served at the time of development by public or private facilities
2393 and services adequate to support planned densities;

2394 2. The R-4 through R-8 zones on urban lands that are predominantly
2395 environmentally unconstrained and are served at the time of development, by adequate
2396 public sewers, water supply, roads and other needed public facilities and services; and

2397 3. The R-12 through R-48 zones on lands next to Unincorporated Activity Centers,
2398 in Community or Neighborhood Business Centers, in mixed-use development, on small,
2399 scattered lots integrated into existing residential areas, or in Rural Towns, that are served at
2400 the time of development by adequate public sewers, water supply, roads and other needed
2401 public facilities and services.

Commented [JC148]: Clarifying edits to reflect existing intent

2402 SECTION X. Ordinance 10870, Section 30, as amended, and K.C.C. 21A.040.090
2403 are hereby amended to read as follows:

2404 A. The purpose of the neighborhood business zone (NB) is to provide convenient
2405 daily retail and personal services for a limited service area and to minimize impacts of
2406 commercial activities on nearby properties and in urban areas on properties with the land
2407 use designation of commercial outside of center, to provide for limited residential
2408 development. These purposes are accomplished by:

2409 1. Limiting nonresidential uses to those retail or personal services which can
2410 serve the everyday needs of a surrounding urban or rural residential area;

2411 2. Allowing for mixed use ~~((housing and retail/service))~~ developments in
2412 urban areas and rural towns ~~((and))~~;

2413 3. Allowing for townhouse developments as a sole use on properties in the
2414 urban area with the land use designation of commercial outside of center; and

2415 ~~((3-))~~ 4. Excluding industrial and community/regional business-scaled uses.

2416 B. Use of this zone is appropriate in urban neighborhood business centers, rural
2417 towns, or rural neighborhood commercial centers designated by the comprehensive plan,
2418 on sites which are served at the time of development by adequate public sewers when
2419 located in urban areas or adequate on-site sewage disposal when located in rural areas,
2420 water supply, roads and other needed public facilities and services.

2421 SECTION X. Ordinance 10870, Section 31, as amended, and K.C.C. 21A.04.100
2422 are hereby amended to read as follows:

2423 A. The purpose of the community business zone (CB) is to provide convenience
2424 and comparison retail and personal services for local service areas which exceed the daily

Commented [JC149]: Unnecessary, as this is a defined term

Commented [JC150]: Relates to other changes in the ordinance to reflect that mixed use densities for townhouses and apartments is not appropriate in the rural area.

Commented [JC151]: Technical restructure to reflect existing intent and improve clarity.

2425 convenience needs of adjacent neighborhoods but which cannot be served conveniently
2426 by larger activity centers, and to provide retail and personal services in locations within
2427 activity centers that are not appropriate for extensive outdoor storage or auto related and
2428 industrial uses. These purposes are accomplished by:

2429 1. Providing for limited small-scale offices as well as a wider range of the retail,
2430 professional, governmental and personal services than are found in neighborhood
2431 business areas;

2432 2. Allowing for mixed use ~~((housing and retail/service))~~ developments in
2433 urban areas and rural towns; and

2434 3. Excluding commercial uses with extensive outdoor storage or auto related
2435 and industrial uses.

2436 B. Use of this zone is appropriate in urban ~~((and))~~ community business centers or
2437 rural towns that are designated by the Comprehensive Plan and community plans and that
2438 are served at the time of development by adequate public sewers, water supply, roads and
2439 other needed public facilities and services.

2440 SECTION X. Ordinance 10870, Section 32, as amended, and K.C.C. 21A.04.110
2441 are hereby amended to read as follows:

2442 A. The purpose of the regional business zone (RB) is to provide for the broadest
2443 mix of comparison retail, wholesale, service and recreation/cultural uses with compatible
2444 storage and fabrication uses, serving regional market areas and offering significant
2445 employment opportunities. These purposes are accomplished by:

Commented [JC152]: Unnecessary, as this is a defined term

Commented [JC153]: Relates to other changes in the ordinance to reflect that mixed use densities for townhouses and apartments is not appropriate in the rural area.

While the Comprehensive Plan does not allow CB zoning in the rural area, adding this language here makes it consistent and explicit, especially if someone is only looking at the code and not the Comprehensive Plan.

2446 1. Encouraging compact development that is supportive of transit and pedestrian
2447 travel, through higher nonresidential building heights and floor area ratios than those
2448 found in community centers;

2449 2. Allowing for outdoor sales and storage, regional shopping areas and limited
2450 fabrication uses; ~~((and))~~

2451 3. Concentrating large scale commercial and office uses to facilitate the efficient
2452 provision of public facilities and services; and

2453 4. Allowing for mixed use developments in urban areas and rural towns.

2454 B. Use of this zone is appropriate in urban activity centers or rural towns that are
2455 designated by the Comprehensive Plan and community plans that are served at the time
2456 of development by adequate public sewers, water supply, roads and other needed public
2457 facilities and services.

2458 SECTION X. Ordinance 10870, Section 33, and K.C.C. 21A.04.120 are hereby
2459 amended to read as follows:

2460 A. The purpose of the office zone (O) is to provide for pedestrian and transit-
2461 oriented high-density employment uses together with limited complementary retail and
2462 urban density residential development in locations within activity centers where the full
2463 range of commercial activities is not desirable. These purposes are accomplished by:

2464 1. Allowing for uses that will take advantage of pedestrian-oriented site and
2465 street improvement standards;

2466 2. Providing for higher building heights and floor area ratios than those found in
2467 community centers;

2468 3. Reducing the ratio of required parking to building floor area;

Commented [JC154]: Relates to other changes in the ordinance to reflect that mixed use densities for townhouses and apartments is not appropriate in the rural area.

While the Comprehensive Plan does not allow RB zoning in the rural area, adding this language here makes it consistent and explicit, especially if someone is only looking at the code and not the Comprehensive Plan.

2469 4. Allowing for on-site convenient daily retail and personal services for
2470 employees and residences; ~~((and))~~

2471 5. Excluding auto-oriented, outdoor or other retail sales and services which do
2472 not provide for the daily convenience needs of on-site and nearby employees or residents;
2473 and

2474 6. Allowing for mixed use developments in urban areas and rural towns.

2475 B. Use of this zone is appropriate in activity centers designated by the
2476 Comprehensive Plan and community plans which are served at the time of development
2477 by adequate public sewers, water supply, roads and other needed public facilities and
2478 services.

2479 SECTION X. Ordinance 10870, Section 48, as amended, and K.C.C. 21A.06.040
2480 are hereby amended to read as follows:

2481 Agricultural product sales: the retail sale of items resulting from the practice of
2482 agriculture, including primary horticulture products such as fruits, vegetables, grains, seed,
2483 feed and plants, primary animal products such as eggs, milk and meat, or secondary and
2484 value added products resulting from processing, sorting or packaging of primary agricultural
2485 products such as jams, cheeses, dried herbs or similar items. Agricultural product sales do
2486 not include ~~((marijuana))~~ cannabis, usable ~~((marijuana))~~ cannabis or ~~((marijuana))~~ cannabis-
2487 infused products.

2488 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2489 a new section to read as follows:

2490 At-Risk of Chronic Homelessness: a household that:

2491 A. Includes an adult with a developmental, physical, or behavioral health disability;

Commented [JC155]: Relates to other changes in the ordinance to reflect that mixed use densities for townhouses and apartments is not appropriate in the rural area.

Commented [JC156]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC157]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

2492 B. Is currently experiencing homelessness for only ten to twelve months in the
2493 previous three years, or has experienced homelessness for a cumulative total of twelve
2494 months within the last five years; and

2495 C. Includes one adult that has been incarcerated within the previous five years in a
2496 jail or prison, includes one adult that has been detained or involuntarily committed under
2497 chapter 71.05 RCW, or identifies as a member of a population that is demographically
2498 overrepresented among persons experiencing homelessness in King County.

2499 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2500 a new section to read as follows:

2501 Beaver dam: dams constructed from sticks, mud and stones by the American Beaver,
2502 *Castor canadensis*, in aquatic areas, wetlands and their buffers, typically resulting in the
2503 formation of a pond.

2504 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2505 a new section to read as follows:

2506 Beaver dam devices: artificial infrastructure installed to manage or mitigate the
2507 impacts or hazards of beaver dams, including but not limited to flexible pond leveler pipes,
2508 the fences at the intake and outflow ends of the pipes, culvert fencing and notch exclusion
2509 fencing.

2510 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2511 a new section to read as follows:

2512 Beaver dam management: human activities to reduce or mitigate the impacts or
2513 hazards of beaver dams, including but not limited to removal of a beaver dam or portion of a
2514 beaver dam; the installation, maintenance, adjustment, replacement and removal of beaver

Commented [JC158]: Scope III.B

Allows for management of beaver dams in accordance with new proposed changes and development conditions in the clearing/grading code

Commented [JC159]: Scope III.B

Allows for management of beaver dams in accordance with new proposed changes and development conditions in the clearing/grading code

Commented [JC160]: Scope III.B

Allows for management of beaver dams in accordance with new proposed changes and development conditions in the clearing/grading code

2515 dam devices; and removal of sticks and other debris accumulated against beaver dam
2516 devices.

2517 SECTION X. Ordinance 10870, Section 92, as amended, and K.C.C. 21A.06.260
2518 are hereby amended to read as follows:

2519 Critical facility: a facility necessary to protect the public health, safety and welfare
2520 including, but not limited to, a facility defined under the occupancy categories of "essential
2521 facilities," "hazardous facilities" and "special occupancy structures" in the structural forces
2522 chapter or succeeding chapter in K.C.C. Title 16. Critical facilities also include nursing and
2523 personal care facilities, schools, senior ~~((citizen))~~ assisted housing, public roadway bridges
2524 and sites that produce, use or store hazardous substances or hazardous waste, not including
2525 the temporary storage of consumer products containing hazardous substances or hazardous
2526 waste intended for household use or for retail sale on the site.

2527 SECTION X. Ordinance 10870, Section 98 and K.C.C. 21A.06.290 are hereby
2528 amended to read as follows:

2529 Destination resort: an establishment for resource-based recreation and intended to
2530 utilize and provide access to outdoor recreational opportunities, including ~~((related))~~
2531 accessory services, such as ~~((food))~~ eating and drinking places, ~~((overnight))~~ temporary
2532 lodging, recreation equipment rentals, entertainment and ~~((other conveniences for guests of~~
2533 the resort)) personal services.

2534 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2535 a new section to read as follows:

2536 Dwelling, duplex: a building, which is located on one legal lot or parcel, containing
2537 two dwelling units designed exclusively for occupancy by two people or families living

Commented [JC161]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC162]: Updates to provide more clarity on the purpose of destination resorts and the types of accessory uses allowed with the destination . Also updates terms to match terms in use tables .

Commented [JC163]: Scope I.L.C.1

Aligns with proposed code amendments related with middle housing later in this ordinance. These new definitions clarify the "middle" form and scale between single family residences and high-rise multi-family buildings; and differentiate duplex, triplex, and fourplex from townhouse and apartment development.

2538 independently of each other. The two units share a common roof, wall or floor, although
2539 floorplans may vary. Individual units may be side-by-side or stacked one on top of the
2540 other. The two dwelling units and the lot are under a single ownership or may be owned
2541 through a condominium. A single-family dwelling containing an approved accessory
2542 dwelling unit is not considered a duplex. A duplex is not considered as a townhouse.

2543 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2544 a new section to read as follows:

2545 Dwelling, triplex: a building, which is located on one legal lot or parcel, containing
2546 three dwelling units designed exclusively for occupancy by three people or families living
2547 independently of each other. The three units share a common roof, wall or floor, although
2548 floorplans may vary. Individual units may be side-by-side or stacked one on top of the other.
2549 The three dwelling units and the lot are under a single ownership or may be owned through
2550 a condominium. A triplex is not considered as a townhouse.

2551 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2552 a new section to read as follows:

2553 Dwelling, fourplex: a building, which is located on one legal lot or parcel,
2554 containing four dwelling units designed exclusively for occupancy by four people or
2555 families living independently of each other. The four units share a common roof, wall or
2556 floor, although floorplans may vary. Individual units may be side-by-side or stacked one on
2557 top of the other. The two dwelling units and the lot are under a single ownership or may be
2558 owned through a condominium. A fourplex is not considered as a townhouse.

2559 SECTION X. Ordinance 10870, Section 5, and K.C.C. 21A.06.355 are hereby
2560 amended to read as follows:

Commented [JC164]: Scope ILC.1

Aligns with proposed code amendments related with middle housing later in this ordinance. These new definitions clarify the “middle” form and scale between single family residences and high-rise multi-family buildings; and differentiate duplex, triplex, and fourplex from townhouse and apartment development.

Commented [JC165]: Scope ILC.1

Aligns with proposed code amendments related with middle housing later in this ordinance. These new definitions clarify the “middle” form and scale between single family residences and high-rise multi-family buildings; and differentiate duplex, triplex, and fourplex from townhouse and apartment development.

Commented [JC166]: Scope ILC.1

Aligns with proposed code amendments related with middle housing later in this ordinance. These new definitions clarify the “middle” form and scale between single family residences and high-rise multi-family buildings; and differentiate duplex, triplex, and fourplex from townhouse and apartment development.

2561 Dwelling unit, apartment: a dwelling unit contained in a building consisting of
2562 ~~((two))~~ five or more dwelling units which may be stacked, or one or more dwellings with
2563 nonresidential uses.

2564 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2565 a new section to read as follows:

2566 Emergency Housing: temporary indoor accommodations for individuals or families
2567 who are homeless or at imminent risk of becoming homeless that is intended to address the
2568 basic health, food, clothing, and personal hygiene needs of individuals or families.

2569 Emergency housing may or may not require occupants to enter into a lease or an occupancy
2570 agreement. Emergency Housing includes:

- 2571 A. Emergency supportive housing;
- 2572 B. Emergency shelters;
- 2573 C. Interim housing;
- 2574 D. Micro-modular shelter villages;
- 2575 E. Recuperative housing; and
- 2576 F. Safe housing.

2577 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2578 a new section to read as follows:

2579 Emergency Shelter: a facility that provides a temporary shelter for individuals or
2580 families who are currently homeless. Emergency shelter may not require occupants to
2581 enter into a lease or an occupancy agreement. Emergency shelter facilities may include
2582 day and warming centers that do not provide overnight accommodations.

Commented [JC167]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC168]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

2583 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06

2584 a new section to read as follows:

2585 Emergency Supportive Housing: a housing type where a person experiencing
2586 chronically homelessness or person at risk of chronic homelessness can reside temporarily
2587 while seeking permanent housing. While intended to be temporary, there is no time limit on
2588 housing. Emergency supportive housing offers housing-oriented services, case
2589 management, and other necessary services and supports to assist households in stabilizing.

2590 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06

2591 a new section to read as follows:

2592 Experiencing Chronic Homelessness: a household that includes an adult with a
2593 disability, that either is currently experiencing homelessness for at least 12 consecutive
2594 months or has experienced homelessness for a cumulative 12 months within the previous
2595 three years.

2596 SECTION X. Ordinance 17191, Section 22, as amended, and K.C.C. 21A.06.450
2597 are hereby amended to read as follows:

2598 Family: an individual; two or more persons (~~related by blood, marriage or state~~
2599 ~~registered domestic partnership under chapter 26.60 RCW; a group of two or more disabled~~
2600 ~~residents protected under the Federal Housing Act Amendments, who are not related by~~
2601 ~~blood, marriage or state registered domestic partnership under chapter 26.60 RCW;)) living
2602 together as a single housekeeping unit(~~(; a group of eight or fewer residents, who are not~~
2603 ~~related by blood, marriage or state registered domestic partnership under chapter 26.60~~
2604 ~~RCW, living together as a single housekeeping unit; or a group living arrangement where~~
2605 ~~eight or fewer residents receive supportive services such as counseling, foster care, or~~~~

Commented [JC169]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC170]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC171]: Changes to align with state law under 2022 Senate Bill 5235

2606 ~~medical supervision at the dwelling unit by resident or non-resident staff. For purposes of~~
2607 ~~this definition, minors living with parent shall not be counted as part of the maximum~~
2608 ~~number of residents)), except for:~~

2609 A. Occupant limits on group living arrangements regulated under state law or on
2610 short term rentals; and

2611 B. Any restrictions on occupant load of a structure as calculated by the county in
2612 accordance with the applicable building code.

2613 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2614 a new section to read as follows:

2615 Interim Housing: a facility that provides temporary shelter or lodging for people
2616 who are unsheltered or waiting to move into permanent housing.

2617 SECTION X. Ordinance 17710, Section 2, and K.C.C. 21A.06.7341 are hereby
2618 amended to read as follows:

2619 ~~((Marijuana))~~ Cannabis: all parts of the plant cannabis, whether growing or not,
2620 with a percentage concentration of delta-9 tetrahydrocannabinol content per dry weight of
2621 any part of the plant cannabis, or per volume or weight of ~~((marijuana))~~ cannabis product
2622 greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any
2623 part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation
2624 of the plant, its seeds or resin. ~~((Marijuana))~~ Cannabis does not include the mature stalks of
2625 the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any
2626 other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks
2627 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant
2628 which is incapable of germination.

Commented [JC172]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC173]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

2629 SECTION X. Ordinance 17710, Section 3, and K.C.C. 21A.06.7342 are hereby
2630 amended to read as follows:

2631 ~~((Marijuana))~~ Cannabis greenhouse: a structure with a glass or rigid plastic roof and
2632 glass or rigid plastic walls designed and used to create an artificial climate for the growing
2633 of ~~((marijuana))~~ cannabis as licensed by the Washington state Liquor ~~((Control))~~ and
2634 Cannabis Board for the ~~((marijuana))~~ cannabis production that is of sufficient strength and
2635 stability to comply with the structural design load requirements of the building code and that
2636 is not used as a place for human habitation or by the general public.

Commented [JC174]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC175]: Similar technical changes to reflect current state agency name made elsewhere in the code in 2016 via Ordinance 18326, but this section was omitted.

2637 SECTION X. Ordinance 17710, Section 4, as amended, and K.C.C. 21A.06.7344
2638 are hereby amended to read as follows:

2639 ~~((Marijuana))~~ Cannabis processor: a facility licensed by the Washington state
2640 Liquor and Cannabis Board to process ~~((marijuana))~~ cannabis into useable ~~((marijuana))~~
2641 cannabis and ~~((marijuana))~~ cannabis-infused products, package and label useable
2642 ~~((marijuana))~~ cannabis and ~~((marijuana))~~ cannabis-infused products for sale in retail outlets,
2643 and sell useable ~~((marijuana))~~ cannabis and ~~((marijuana))~~ cannabis-infused products at
2644 wholesale to ~~((marijuana))~~ cannabis retailers. ~~((Marijuana))~~ Cannabis processors are
2645 classified as follows:

- 2646 A. ~~((Marijuana))~~ Cannabis processor I -- processing that is limited to:
- 2647 1. Drying, curing and trimming; and
- 2648 2. Packaging.
- 2649 B. ~~((Marijuana))~~ Cannabis processor II -- all elements of processing including:
- 2650 1. All ~~((marijuana))~~ Cannabis processor I activities;
- 2651 2. Extracting concentrates and infusing products;

2652 3. Mechanical and chemical processing; and

2653 4. Packaging.

2654 SECTION X. Ordinance 17710, Section 5, as amended, and K.C.C. 21A.06.7346

2655 are hereby amended to read as follows:

2656 ~~((Marijuana))~~ Cannabis producer: a facility licensed by the Washington state Liquor

2657 and Cannabis Board for the production and sale at wholesale of ~~((marijuana))~~ cannabis to

2658 ~~((marijuana))~~ cannabis processors and other marijuana producers.

2659 SECTION X. Ordinance 17710, Section 6, as amended, and K.C.C. 21A.06.7348

2660 are hereby amended to read as follows:

2661 ~~((Marijuana))~~ Cannabis retailer: a facility licensed by the Washington state Liquor

2662 and Cannabis Board where useable ~~((marijuana))~~ cannabis and ~~((marijuana))~~ cannabis-

2663 infused products may be sold at retail.

2664 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06

2665 a new section to read as follows:

2666 Micro-Modular Shelter: small freestanding rooms in a micro-modular shelter

2667 village that range from providing a bed to units that have fully operational kitchens and

2668 bathrooms for unsheltered people.

2669 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06

2670 a new section to read as follows:

2671 Micro-Modular Shelter Village: emergency housing located on a lot, or lots,

2672 containing multiple micro-modular shelters and may include cooking facilities; hygiene

2673 facilities including restrooms, showers, and laundry facilities; and a shared gathering space.

Commented [JC176]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC177]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

2674 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06

2675 a new section to read as follows:

2676 Permanent Supportive Housing: subsidized, leased housing with no limit on length

2677 of stay that prioritizes people who need comprehensive support services to retain tenancy

2678 and utilizes admissions practices designed to use lower barriers to entry than would be

2679 typical for other subsidized or unsubsidized rental housing, especially related to rental

2680 history, criminal history, and personal behaviors. Permanent supportive housing is paired

2681 with on-site or off-site voluntary services designed to support a person living with a

2682 complex and disabling behavioral health or physical health condition who was experiencing

2683 homelessness prior to moving into housing to retain their housing and be a successful tenant

2684 in a housing arrangement, improve the resident's health status, and connect the resident of

2685 the housing with community-based health care, treatment, or employment services.

2686 Permanent supportive housing is subject to all of the rights and responsibilities defined in

2687 chapter 59.18 RCW.

2688 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06

2689 a new section to read as follows:

2690 Recuperative Housing: specialized housing that is designed for unsheltered people

2691 who are not acutely sick enough to warrant a hospital stay but have needs beyond what can

2692 typically be addressed in a traditional housing environment.

2693 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06

2694 a new section to read as follows:

2695 Religious Facility: a place where religious services are conducted, including a

2696 church, synagogue, temple, or mosque. Religious facilities includes those uses located in

Commented [JC178]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC179]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC180]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

2697 SIC Industry No.866 and accessory uses in the primary or accessory buildings, such as
2698 religious education, reading rooms, assembly rooms, and residences for nuns and clergy.
2699 Religious facilities do not include facilities for training of religious orders.

2700 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 21A.06
2701 a new section to read as follows:

2702 Safe Parking: an area designated for unsheltered people to reside in an RV or
2703 vehicle and that provides access to onsite services and utilities.

2704 SECTION X. Ordinance 10870, Section 252, as amended, and K.C.C. 21A.06.1060
2705 are hereby amended to read as follows:

2706 Senior ~~((citizen))~~: a person aged 62 or older.

2707 SECTION X. Ordinance 10870, Section 634 (part), as amended, and K.C.C.
2708 21A.06.1062 are hereby amended to read as follows:

2709 Senior ~~((citizen))~~ assisted housing: housing in a building consisting of two or
2710 more dwelling units or sleeping units restricted to occupancy by at least one senior
2711 ~~((citizen))~~ per unit, and may include the following support services, as deemed necessary:

- 2712 A. Food preparation and dining areas;
- 2713 B. Group activity areas;
- 2714 C. Medical supervision; and
- 2715 D. Similar activities.

2716 SECTION X. Ordinance 3688, Section 251, as amended, and K.C.C. 21A.06.1082C
2717 are hereby amended to read as follows:

2718 Shoreline stabilization: a structure, ~~((or))~~ device ~~((- including, but not limited to,~~
2719 ~~breakwaters, bulkheads, jetties, groins and riprap, that is placed so as to prevent))~~ or

Commented [JC181]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC182]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC183]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC184]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC185]: Scope III.B.1
The existing definition does not acknowledge nor define hard vs. soft shorelines. This distinction is important to clarify, because these two types of stabilization measures are regulated differently under state and county laws

2720 action used to address erosion impacts or to alter ((the)) normal currents, wave actions or
 2721 other natural forces or actions of a waterbody. Structural shoreline stabilization falls on a
 2722 spectrum of hard structures, such as groins, riprap, bulkheads, sea walls and revetments,
 2723 to soft approaches such as beach nourishment, drift log placement, revegetation, beach
 2724 nourishment and other bioengineering techniques. Non-structural shoreline stabilization
 2725 includes methods such as building setbacks, relocation of the structure to be protected,
 2726 groundwater management, and planning and regulatory measures to avoid the need for
 2727 structural stabilization. Shoreline stabilization does not include flood protection
 2728 facilities.

2729 SECTION X. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030
 2730 are hereby amended to read as follows:

2731 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	R12-48	NB	CB	RB	O
	DWELLING UNITS, TYPES:											
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P((+5) 16			
*	Duplex				C4	C4	P5	P19				
*	Triplex				C4	C4	P5	P19				
*	Fourplex				C4	C4	P5	P19				

Commented [JC186]: Technical correction to reflect existing intent

Commented [CJ187]: Scope I.I.C.1

To support development of middle housing types in R1-R48 zones as a permitted use and separate from apartments and townhouses, which have higher standards. These middle density housing types offer alternatives to apartment living and options for housing that are less dense than mid-rise apartments and denser than single-detached homes; these options can often be naturally more affordable than new single family homes.

Commented [JC188]: Maintains constancy with current allowances; these are currently allowed as "apartments" or "townhouses" in these zones via a Conditional Use Permit and subject to condition 4 (reuse of historic buildings).

Commented [JC189]: Scope I.I.C.1

As part of middle housing code changes, this maintains existing conditions for the R-1 zones for their role as urban separators.

Commented [JC190]: Maintains constancy with current allowances; these are currently allowed as "apartments" or "townhouses" in these zones via a Conditional Use Permit and subject to condition 4 (reuse of historic buildings).

Commented [JC191]: Maintains constancy with current allowances; these are currently allowed as "apartments" or "townhouses" in these zones via a Conditional Use Permit and subject to condition 4 (reuse of historic buildings).

2024 King County Comprehensive Plan
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*	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					
*	Permanent Supportive Housing						P20, 21	P21		P21	P21	P21
	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
	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					
*	Emergency Shelter						P20, 21, 22	P21, 22		P21, 22	P21, 22	P21, 22
*	Emergency Supportive Housing							P21, 22		P21, 22	P21, 22	P21, 22
*	Interim Housing							P21, 22		P21, 22	P21, 22	P21, 22
*	Micro-Modular Shelter Villages						P20, 21, 22	P21, 22		P21, 22	P21, 22	P21, 22

Commented [CJ192]: Scope I.I.C.1

As part of middle housing code changes, the current code requires a Conditional Use Permit (CUP) in R1-8 zones before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots. The intent is to eliminate the CUP permitting process and allow townhouse development in R1-8 zones only through platting process. This will create a clear and supportive entitlement process for future townhouse development projects. Similar changes are made to the text of condition 11 below.

Commented [CJ193]: Scope I.I.C.1

As part of middle housing code changes, the current zoning requires a CUP in R1-8 zones if the proposal exceeds base density for the zone in which it is proposed. The intent is to eliminate the CUP process for such instances to remove zoning barriers for higher density housing. Similar changes are made to the text of condition 5 below.

Commented [CJ194]: This use is currently allowed as an "apartment." This change proposes a separate use in order to allow it to be regulated separately and establish specific development standards more appropriate for this use.

Commented [CJ195]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [CJ196]: For the following 5 uses: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

2024 King County Comprehensive Plan
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*	Recuperative Housing					P20, 21, 22	P21, 22		P21, 22	P21, 22	P21, 22	
	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		
*	Safe Parking					P20, 21, 22	P20b, 21, 22		P20b, 21, 22	P20b, 21, 22	P20b, 21, 22	

Commented [JC197]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

- 2732 B. Development conditions.
- 2733 1. Except bed and breakfast guesthouses.
- 2734 2. In the forest production district, the following conditions apply:
- 2735 a. Site disturbance associated with development of any new residence shall be
- 2736 limited to three acres. Site disturbance shall mean all land alterations including, but not
- 2737 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
- 2738 disposal systems and driveways. Additional site disturbance for agriculture, including
- 2739 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
- 2740 approved only if a farm management plan is prepared in accordance with K.C.C. chapter
- 2741 21A.30. Animal densities shall be based on the area devoted to animal care and not the total
- 2742 area of the lot;
- 2743 b. A forest management plan shall be required for any new residence in the forest
- 2744 production district, that shall be reviewed and approved by the King County department of
- 2745 natural resources and parks before building permit issuance; and

2746 c. The forest management plan shall incorporate a fire protection element that
2747 includes fire safety best management practices developed by the department.

2748 3. Only as part of a mixed use development in urban areas and rural towns and
2749 subject to the conditions of K.C.C. chapter 21A.14, except that;

2750 a. in the NB zone on properties with a land use designation of commercial outside
2751 of center (CO) in the urban areas, stand-alone townhouse developments are permitted
2752 subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and 21A.14.180; and

2753 b. in commercial zones in the Rural Area on historic properties listed in the
2754 National Register of Historic Places or designated as a King County Landmark, multifamily
2755 residential or group residence uses are allowed within existing buildings.

2756 4. Only in a building listed ~~((on))~~ in the National Register of Historic Places ~~((as~~
2757 ~~an historic site))~~ or designated as a King County landmark subject to K.C.C. chapter
2758 21A.32.

2759 5.a. In the R-1 zone, duplex, triplex, fourplex and apartment units are permitted, if:

2760 (1) At least fifty percent of the site is constrained by unbuildable critical areas.
2761 For purposes of this subsection, unbuildable critical areas includes wetlands, aquatic areas
2762 and slopes forty percent or steeper and associated buffers; and

2763 (2) The density does not exceed a density of eighteen units per acre of net
2764 buildable area.

2765 b. In the R-4 through R-8 zones, apartment units are permitted ~~((if the density~~
2766 ~~does not exceed a density of eighteen units per acre of net buildable area.~~

2767 ~~e. If the proposal will exceed base density for the zone in which it is proposed, a~~
2768 ~~conditional use permit is required)).~~

Commented [JC198]: Disallows mixed use developments on properties in the Rural Area, except for in Rural Towns. This applies to commercial zoned properties, which is used in both urban and rural areas. Multifamily housing (apartments, townhouses, and group residences) is also allowed if part of a mixed-use development. The allowed residential densities of these developments range from eight to 96 dwelling units per acre, regardless of whether the property is in the urban or rural area. As directed by the Growth Management Act and the Comprehensive Plan, those are urban levels of development that are not appropriate for the Rural Area, where the general growth pattern and established density limits range from one home per 2.5 to 10 acres (depending on the applicable rural zoning classification).

Commented [CJ199]: As requested by the Historic Preservation Program, to address regulatory flexibility for reuse of historic resources, as 40-50 historic resources are lost for every one that is saved, and permitting and zoning are often reasons why the historic resources are not rehabilitated. This maintains at least some of what exists for these multifamily uses in the rural area currently, and is similar to an existing allowance for conference centers in the rural area on historic sites in K.C.C. 21A.08.040

Commented [JC200]: Technical corrections per Historic Preservation Program

Commented [JC201]: Scope II.C.1

As part of middle housing code changes, this maintains existing conditions for the R-1 zones for their role as urban separators.

Commented [CJ202]: Scope II.C.1

As part of middle housing code changes, and as noted in the use table above, this change eliminates the Condition Use Permit process (which is a regulatory barrier) for apartment proposals exceeding base density.

2769 6. Only as accessory to a school, college, university or church.

2770 7.a. Accessory dwelling units are subject to the following standards:

2771 (1) Only one accessory dwelling per primary single detached dwelling or
2772 townhouse unit;

2773 (2) Only allowed in the same building as the primary dwelling unit, except that
2774 detached accessory dwelling units are allowed when there is no more than one primary
2775 dwelling unit on the lot, and the following conditions are met:

2776 (a) the lot must be three thousand two hundred square feet or greater if located
2777 in the urban area or a rural town; or

2778 (b) the lot must meet the minimum lot area for the applicable zone if located in
2779 the rural area but not in a rural town, except that if one transferable development right is
2780 purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, a
2781 detached accessory dwelling unit is allowed on a RA-5 zoned lot that is two and one-half
2782 acres or greater;

2783 (3) The accessory dwelling unit shall not exceed one thousand square feet of
2784 heated floor area and one thousand square feet of unheated floor area except:

2785 (a) when the accessory dwelling unit is wholly contained within a basement or
2786 attic, this limitation does not apply;

2787 (b) for detached accessory dwelling units, the floor area contained in a
2788 basement does not count toward the floor area maximum; or

2789 (c) on a site zoned RA if one transferable development right is purchased from
2790 the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the accessory

Commented [JC203]: Note that the Washington State Legislature adopted new regulations for accessory dwelling units in the urban area during the 2023 legislative session. As part of the 2024 Comprehensive Plan update, the County is reviewing the King County Code to ensure conformity with those new requirements. Because of the timing of the state action and the release of the Public Review Draft of the 2024 Update, that work is still ongoing. So, no changes are proposed at this time; however, any necessary changes will be integrated into the Executive Recommended Plan that will be transmitted to the Council in December 2023.

2791 dwelling unit is permitted a maximum heated floor area of one thousand five hundred square
2792 feet and one thousand five-hundred square feet of unheated floor area;

2793 (4) Accessory dwelling units that are not wholly contained within an existing
2794 dwelling unit shall not exceed the base height established in 21A.12.030;

2795 (5) When the primary and accessory dwelling units are located in the same
2796 building, or in multiple buildings connected by a breezeway or other structure, only one
2797 entrance may front a street;

2798 (6) No additional off-street parking spaces are required for accessory dwelling
2799 units;

2800 (7) The primary dwelling unit or the accessory dwelling unit shall be occupied
2801 either by the owner of the primary dwelling unit or by an immediate family member of the
2802 owner. Immediate family members are limited to spouses, siblings, parents, grandparents,
2803 children and grandchildren, either by blood, adoption or marriage, of the owner. The
2804 accessory dwelling unit shall be converted to another permitted use or shall be removed if
2805 neither dwelling unit is occupied by the owner or an immediate family member;

2806 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
2807 approved by the department of executive services, records and licensing services division,
2808 that identifies the dwelling unit as accessory. The notice shall run with the land. The
2809 applicant shall submit proof that the notice was filed before the department approves any
2810 permit for the construction of the accessory dwelling unit. The required contents and form
2811 of the notice shall be set forth in administrative rules;

2812 (9) Accessory dwelling units are not allowed in the F zone;

2813 (10) Accessory dwelling units should be designed to be compatible with the
2814 primary dwelling unit and the surrounding properties, including material, colors and
2815 building forms; and

2816 (11) The applicant should consider a siting alternatives study that analyzes
2817 placement options of the accessory dwelling unit on the property to minimize impacts to
2818 privacy and views for surrounding property owners.

2819 (12) Accessory dwelling units are not allowed on lots that contain a duplex,
2820 triplex or fourplex.

2821 b. Accessory living quarters:

2822 (1) are limited to one per lot;

2823 (2) are allowed only on lots of three thousand two hundred square feet or greater
2824 when located in the urban area or a rural town;

2825 (3) shall not exceed the base height as established in K.C.C. 21A.12.030;

2826 (4) shall not exceed one thousand square feet of heated floor area and one
2827 thousand square feet of unheated floor area; and

2828 (5) are not allowed in the F zone.

2829 (6) are not allowed on lots that contain a duplex, triplex or fourplex.

2830 c. One single or twin engine, noncommercial aircraft shall be permitted only on
2831 lots that abut, or have a legal access that is not a county right-of-way, to a waterbody or
2832 landing field, but only if there are:

2833 (1) no aircraft sales, service, repair, charter or rental; and

2834 (2) no storage of aviation fuel except that contained in the tank or tanks of the
2835 aircraft.

Commented [CJ204]: Scope ILC.1

Amends accessory dwelling unit (ADU) regulations as part of middle housing code changes. The existing code allows one ADU per primary single detached dwelling on a lot that is 3,200 sf or greater in the urban area or a rural town. This could result in a duplex containing 4 units (2 primary, 2 ADUs); a triplex containing 6 units (3 primary, 3 ADUs); a fourplex containing 8 units (4 primary, 4 ADUs). Adding this limitation would avoid “double-dipping” in density allowances.

Commented [CJ205]: Scope ILC.1

Similar to above, as part of middle housing code changes, limits accessory living quarter regulations to avoid “double-dipping” in density allowances when there is a duplex, triplex, or fourplex

2836 d. Buildings for residential accessory uses in the RA and A zone shall not exceed
2837 five thousand square feet of gross floor area, except for buildings related to agriculture or
2838 forestry.

2839 8. Mobile home parks shall not be permitted in the R-1 zones.

2840 9. Only as accessory to the permanent residence of the operator, and:

2841 a. Serving meals shall be limited to paying guests; and

2842 b. The number of persons accommodated per night shall not exceed five, except
2843 that a structure that satisfies the standards of the International Building Code as adopted by
2844 King County for R-1 occupancies may accommodate up to ten persons per night.

2845 10. Only if part of a mixed use development, and subject to the conditions of
2846 subsection B.9. of this section.

2847 11. ~~((Townhouses are permitted, but shall be subject to a conditional use permit if~~
2848 ~~exceeding base density.)) Permitted on lots in a subdivision or short subdivision designed
2849 for townhouses units in which each dwelling unit is located on a separate lot and
2850 independently owned.~~

2851 12. Required before approving more than one dwelling on individual lots, except
2852 on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit
2853 lots, and except as provided for accessory dwelling units in subsection B.7. of this section.

2854 13. No new mobile home parks are allowed in a rural zone.

2855 14.a. Limited to domestic violence shelter facilities.

2856 b. Limited to domestic violence shelter facilities with no more than eighteen
2857 residents or staff.

2858 15. Only in the R4-R8 zones subject to the following standards:

Commented [CJ206]: Scope II.C.1

As noted above, as part of middle housing code changes, the current code requires a Conditional Use Permit (CUP) in R1-8 zones before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots. The intent is to eliminate the CUP permitting process and allow townhouse development in R1-8 zones only through platting process. This will create a clear and supportive entitlement process for future townhouse development projects. Similar changes are made to the text of condition 11 below.

2859 a. Developments shall contain only cottage housing units with no fewer than
2860 three units. If the site contains an existing home that is not being demolished, the existing
2861 house is not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the
2862 floor area and footprint limits in K.C.C. 21A.14.025.B.;

2863 b. Cottage housing developments should consider including a variety of housing
2864 sizes, such as units with a range of bedroom sizes or total floor area; and

2865 c. Before filing an application with the department, the applicant shall hold a
2866 community meeting in accordance with K.C.C. 20.20.035.

2867 16. The development for a detached single-family residence shall be consistent
2868 with the following:

2869 a. The lot must have legally existed before March 1, 2005;

2870 b. The lot has a Comprehensive Plan land use designation of Rural Neighborhood
2871 Commercial Center or Rural Area; and

2872 c. The standards of this title for the RA-5 zone shall apply.

2873 17. Only in the R-1 zone as an accessory to a golf facility and consistent with
2874 K.C.C. 21A.08.040.

2875 18. Allowed if consistent with K.C.C. chapter 21A.30.

2876 19.a. A duplex is allowed on a R-4 through R-8 zoned lot that is four thousand five
2877 hundred square feet or greater, despite base density requirement established in K.C.C.
2878 21A.12.030, if under K.C.C. chapter 21A.37:

2879 (1) When the lot is located in Snoqualmie Pass rural town, one transferable
2880 development right is purchased from the Rural Area or Natural Resource Lands; or

Commented [CJ207]: Scope II.C.1

New condition 19 related to the new middle housing types: duplexes, triplexes, and fourplexes.

Commented [CJ208]: Scope II.C.1

Part of middle housing changes. The 2020 Residential Density Incentives Code study states "...as the vast majority of the urban unincorporated areas of King County are zoned R4 to R8, strengthening the incentives that are feasible in these zones would expand new affordable housing options into more areas than the relatively small areas zoned for higher density...Smaller developer are less likely to have the capacity to navigate a complex policy or understanding the regulatory requirements that are associated with income-restrictive units..."

This change would provide owners of R-4 to R-8 zoned land that cannot meet the base density requirements but are larger than 4,500 square feet the options of building either 1) a SFR with a detached ADU, as currently allowed in code, or 2) a duplex onsite, as allowed in this new change, and thus providing more regulatory flexibility for middle housing types.

Commented [JC209]: limited to only the Snoqualmie Pass Rural Town. Not allowed in Vashon Rural Town, as Transfer of Development Right use in general are not allowed on Vashon-Maury Island. Not allowed in Fall City, as they do not have sewers.

2881 (2) When the lot is located in the urban area, one half transferable development
 2882 right is purchased from the Rural Area or Natural Resource Lands or one transfer of
 2883 development right is purchased from the urban area.

2884 b. Not allowed on a lot that contains an accessory dwelling unit or accessory living
 2885 quarter.

2886 20. Allowed if:

2887 a. Not in the R-1 zone; and

2888 b. operated by a religious facility, government agency, or uses located in SIC

2889 Social Services Group Nos.: 832 Individual and Family Social Services, 836 Residential

2890 Care, and 839 Social Services, Not Elsewhere Classified.

2891 21.a. Only in the urban growth area; and

2892 b. Exempt from on-site recreation requirements in K.C.C 21A.14.180 through

2893 21A.14.190, landscape requirements in K.C.C. chapter 21A.16, bicycle parking

2894 requirements in K.C.C. 21A.18.030.E, and electric vehicle parking infrastructure

2895 requirements in K.C.C. 21A.18.140.

2896 22. Allowed if consistent with K.C.C. Chapter 21A.XX (the new chapter created

2897 by section X of this ordinance) and K.C.C. Chapter 24.XX (the new chapter created by

2898 section X of this ordinance.

2899 SECTION X. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040

2900 are hereby amended to read as follows:

2901 A. Recreational/cultural land uses.

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

Commented [JC210]: Consistent with current Transfer of Development Right allowance in the urban area for a short plat or subdivision.

Commented [CJ211]: Scope II.C.1

Part of middle housing code changes for duplexes, triplexes, and fourplexes. The existing code allows one accessory dwelling unit (ADU) per primary single detached dwelling on a lot that is 3,200 sf or greater in the urban area or a rural town. This could result in a duplex containing 4 units (2 primary, 2 ADUs); a triplex containing 6 units (3 primary, 3 ADUs); a fourplex containing 8 units (4 primary, 4 ADUs). Adding this limitation would avoid “double-dipping” in density allowances.

Commented [JC212]: Sets standards for permanent supportive housing and emergency housing uses above.

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SIC #	SPECIFIC LAND USE	A	F	M	A L		UR	R1-8	R12 -48	NB	CB	RB	O	I
					RA	UR								
PARK/RECREATION:														
*	Park	P1	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P	P
*	Campgrounds		P16 C16 a	P16	P16 C16 a	P16 C16 a								P16 C16 a
*	Destination Resorts		S20		S (18) 30	(C)						C		
*	Marina		C3		C4	C4	C4	C4	P5	P	P	P	P	
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19								
*	Sports Club (17)				C4 and1 8	C4	C4	C4	C	P	P			
*	Ski Area		S		S18									
*	Recreational Camp		C		P24 C									
AMUSEMENT/ENTERTAINMENT:														
*	Adult Entertainment Business									P6	P6	P6		
*	Theater									P	P	P	P25	
783 3	Theater, Drive-in											C		
793	Bowling Center									P	P			P
*	Golf Facility				C7 and 18	P7	P7	P7						

Commented [JC214]: Removes allowance of destination resorts in the Urban Reserve zone, which is generally used in the Potential Annexation Areas for Cities in the Rural Area with the intent of providing low-density zoning that phases growth and demand for urban services and reserves large tracts of land for possible future growth once annexed. These areas are not the appropriate places for this type of large facilities.

Commented [JC213]: Adds a new Condition 30 to clarify where destination resorts are allowed in the Rural Area, consistent with County policies that support protection of Rural Area and Natural Resource Lands, and in acknowledgment of the infrastructure limitations in such areas

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799 9 (14)	Amusement and Recreation Services		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and 18						C10		P10
*	Amusement Arcades								P	P			
799 6	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20 P20				S		
	CULTURAL:												
823	Library				P11 C	P11 C	P11 C	P28	P	P	P	P	
841	Museum	C2 3	C23		P11 C	P11 C	P11 C	P28	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				P29 C12	P29 C12	P29 C	P29 C	P	P	P	P	

2902 B. Development conditions.

2903 1. The following conditions and limitations shall apply, where appropriate:

2904 a. No stadiums on sites less than ten acres;

2905 b. Lighting for structures and fields shall be directed away from rural area and
2906 residential zones;

2907 c. Structures or service yards shall maintain a minimum distance of fifty feet from
2908 property lines adjoining rural area and residential zones, except for fences and mesh
2909 backstops;

- 2910 d. Facilities in the A zone shall be limited to trails and trailheads, including
2911 related accessory uses such as parking and sanitary facilities; and
- 2912 e. Overnight camping is allowed only in an approved campground.
- 2913 2. Recreational vehicle parks are subject to the following conditions and
2914 limitations:
- 2915 a. The maximum length of stay of any vehicle shall not exceed one hundred
2916 eighty days during a three-hundred-sixty-five-day period;
- 2917 b. The minimum distance between recreational vehicle pads shall be no less than
2918 ten feet; and
- 2919 c. Sewage shall be disposed in a system approved by the Seattle-King County
2920 health department.
- 2921 3. Limited to day moorage. The marina shall not create a need for off-site public
2922 services beyond those already available before the date of application.
- 2923 4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities
2924 subject to the following conditions and limitations:
- 2925 a. The bulk and scale shall be compatible with residential or rural character of the
2926 area;
- 2927 b. For sports clubs, the gross floor area shall not exceed ten thousand square feet
2928 unless the building is on the same site or adjacent to a site where a public facility is located
2929 or unless the building is a nonprofit facility located in the urban area; and
- 2930 c. Use is limited to residents of a specified residential development or to sports
2931 clubs providing supervised instructional or athletic programs.
- 2932 5. Limited to day moorage.

2933 6.a. Adult entertainment businesses shall be prohibited within three hundred thirty
2934 feet of any property zoned RA, UR or R or containing schools, licensed daycare centers,
2935 public parks or trails, community centers, public libraries or churches. In addition, adult
2936 entertainment businesses shall not be located closer than three thousand feet to any other
2937 adult entertainment business. These distances shall be measured from the property line of
2938 the parcel or parcels proposed to contain the adult entertainment business to the property
2939 line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection
2940 B.6.a.

2941 b. Adult entertainment businesses shall not be permitted within an area likely to
2942 be annexed to a city subject to an executed interlocal agreement between King County and a
2943 city declaring that the city will provide opportunities for the location of adult businesses to
2944 serve the area. The areas include those identified in the maps attached to Ordinance 13546.

2945 7.a. Clubhouses, maintenance buildings, equipment storage areas and driving
2946 range tees shall be at least fifty feet from rural area and residential zoned property lines.
2947 Lighting for practice greens and driving range ball impact areas shall be directed away from
2948 adjoining rural area and residential zones. Applications shall comply with adopted best
2949 management practices for golf course development. Within the RA zone, those facilities
2950 shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in designated rural
2951 forest focus area, regionally significant resource areas or locally significant resource areas.
2952 Ancillary facilities associated with a golf course are limited to practice putting greens,
2953 maintenance buildings and other structures housing administrative offices or activities that
2954 provide convenience services to players. These convenience services are limited to a pro
2955 shop, food services and dressing facilities and shall occupy a total of no more than ten

2956 thousand square feet. Furthermore, the residential density that is otherwise permitted by the
2957 zone shall not be used on other portions of the site through clustering or on other sites
2958 through the transfer of density provision. This residential density clustering or transfer
2959 limitation shall be reflected in a deed restriction that is recorded at the time applicable
2960 permits for the development of the golf course are issued; and

2961 b. In addition to ancillary facilities, an organizational hotel/lodging house shall be
2962 allowed as an accessory use, subject to the following:

2963 (1) only allowed in the R-1 zone;

2964 (2) only allowed with a privately owned golf facility that legally existed as of
2965 January 1, 2019;

2966 (3) only allowed as an incidental or subordinate use to a principal golf facility
2967 use;

2968 (4) a maximum of twenty-four sleeping units is allowed; and

2969 (5) shall be connected to and served by public sewer.

2970 8. Limited to golf driving ranges, only as:

2971 a. accessory to golf courses; or

2972 b. accessory to a recreation or multiuse park.

2973 9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty
2974 feet from property lines adjoining rural area and residential zones, but existing facilities shall
2975 be exempt.

2976 b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets or
2977 arrows from leaving the property.

2978 c. Site plans shall include: safety features of the range; provisions for reducing
2979 sound produced on the firing line; elevations of the range showing target area, backdrops or
2980 butts; and approximate locations of buildings on adjoining properties.

2981 d. Subject to the licensing provisions of K.C.C. Title 6.

2982 10.a. Only in an enclosed building, and subject to the licensing provisions of
2983 K.C.C. Title 6;

2984 b. Indoor ranges shall be designed and operated so as to provide a healthful
2985 environment for users and operators by:

2986 (1) installing ventilation systems that provide sufficient clean air in the user's
2987 breathing zone, and

2988 (2) adopting appropriate procedures and policies that monitor and control
2989 exposure time to airborne lead for individual users.

2990 11. Only as accessory to a park or in a building listed ~~((on))~~ in the National
2991 Register of Historic Places as an historic site or designated as a King County landmark
2992 subject to K.C.C. chapter 21A.32.

2993 12.a. Only as accessory to a nonresidential use established through a discretionary
2994 permit process, if the scale is limited to ensure compatibility with surrounding
2995 neighborhoods; and

2996 b. In the UR zone, only if the property is located within a designated
2997 unincorporated rural town.

2998 13. Subject to the following:

2999 a. The park shall abut an existing park on one or more sides, intervening roads
3000 notwithstanding;

Commented [JC215]: Technical corrections per Historic Preservation Program

3001 b. No bleachers or stadiums are permitted if the site is less than ten acres, and no
3002 public amusement devices for hire are permitted;

3003 c. Any lights provided to illuminate any building or recreational area shall be so
3004 arranged as to reflect the light away from any premises upon which a dwelling unit is
3005 located; and

3006 d. All buildings or structures or service yards on the site shall maintain a distance
3007 not less than fifty feet from any property line and from any public street.

3008 14.a. Excluding amusement and recreational uses classified elsewhere in this
3009 chapter.

3010 b. Fireworks display services, also known as public displays of fireworks, are
3011 allowed in all zones, subject to the requirements of K.C.C. chapter 17.11.

3012 15. For amusement and recreation services not otherwise provided for in this
3013 chapter:

3014 a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on
3015 sites at least five acres or larger;

3016 b. Retail sales are limited to incidental sales to patrons of the amusement or
3017 recreation service; and

3018 c. Does not involve the operation of motor vehicles or off-road vehicles,
3019 including, but not limited to, motorcycles and go-carts.

3020 16. Subject to the following conditions:

3021 a. The length of stay per party in campgrounds shall not exceed one hundred
3022 eighty days during a three-hundred-sixty-five-day period; and

3023 b. Only for campgrounds that are part of a proposed or existing county park, that
3024 are subject to review and public meetings through the department of natural resources and
3025 parks.

3026 17. Only for stand-alone sports clubs that are not part of a park.

3027 18. Subject to review and approval of conditions to comply with trail corridor
3028 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

3029 19. Only as an accessory to a recreation or multiuse park.

3030 20. Only as an accessory to a recreation or multiuse park of at least twenty acres
3031 located within the urban growth area or on a site immediately adjacent to the urban growth
3032 area with the floor area of an individual outdoor performance center stage limited to three
3033 thousand square feet.

3034 21. Limited to rentals of sports and recreation equipment with a total floor area of
3035 no more than seven hundred fifty square feet and only as accessory to a park, or in the RA
3036 zones, to a recreation or multiuse park.

3037 22. Only as accessory to a large active recreation and multiuse park and limited to:

3038 a. water slides, wave pools and associated water recreation facilities; and

3039 b. rentals of sports and recreation equipment.

3040 23. Limited to natural resource and heritage museums and only allowed in a farm
3041 or forestry structure, including but not limited to barns or sawmills, existing as of December
3042 31, 2003.

3043 24. Use is permitted without a conditional use permit only when in compliance
3044 with all of the following conditions:

3045 a. The use is limited to camps for youths or for persons with special needs due to
3046 a disability, as defined by the American With Disabilities Act of 1990, or due to a medical
3047 condition and including training for leaders for those who use the camp;

3048 b. Active recreational activities shall not involve the use of motorized vehicles
3049 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The
3050 prohibition on motorized vehicles does not apply to such vehicles that may be necessary for
3051 operation and maintenance of the facility or to a client-specific vehicle used as a personal
3052 mobility device;

3053 c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number of
3054 overnight campers, not including camp personnel, in a new camp shall not exceed:

3055 (a) one hundred and fifty for a camp between twenty and forty acres; or

3056 (b) for a camp greater than forty acres, but less than two hundred and fifty
3057 acres, the number of users allowed by the design capacity of a water system and on-site
3058 sewage disposal system approved by the department of health, Seattle/King County, up to a
3059 maximum of three hundred and fifty; and

3060 (2) Existing camps shall be subject to the following:

3061 (a) For a camp established before August 11, 2005, with a conditional use
3062 permit and that is forty acres or larger, but less than one hundred and sixty acres, the number
3063 of overnight campers, not including camp personnel, may be up to one hundred and fifty
3064 campers over the limit established by subsection B.24.c.(1)(b) of this section.

3065 (b) For a camp established before August 11, 2005, with a conditional use
3066 permit and that is one hundred and sixty acres or larger, but less than two hundred acres, the
3067 number of overnight campers, not including camp personnel, may be up to three hundred

3068 and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section. The
3069 camp may terminate operations at its existing site and establish a new camp if the area of the
3070 camp is greater than two hundred and fifty acres and the number of overnight campers, not
3071 including camp personnel, shall not exceed seven hundred.

3072 d. The length of stay for any individual overnight camper, not including camp
3073 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

3074 e. The camp facilities, such as a medical station, food service hall, and activity
3075 rooms, shall be of a scale to serve overnight camp users;

3076 f. The minimum size of parcel for such use shall be twenty acres;

3077 g. Except for any permanent caretaker residence, all new structures where camp
3078 users will be housed, fed or assembled shall be no less than fifty feet from properties not
3079 related to the camp;

3080 h. In order to reduce the visual impacts of parking areas, sports and activity fields
3081 or new structures where campers will be housed, fed or assembled, the applicant shall
3082 provide a Type 3 landscape buffer no less than twenty feet wide between the nearest
3083 property line and such parking area, field, or structures, by retaining existing vegetation or
3084 augmenting as necessary to achieve the required level of screening;

3085 i. If the site is adjacent to an arterial roadway, access to the site shall be directly
3086 onto said arterial unless direct access is unsafe due inadequate sight distance or extreme
3087 grade separation between the roadway and the site;

3088 j. If direct access to the site is via local access streets, transportation demand
3089 management measures, such as use of carpools, buses or vans to bring in campers, shall be
3090 used to minimize traffic impacts;

3091 k. Any lights provided to illuminate any building or recreational area shall be so
3092 arranged as to reflect the light away from any adjacent property; and

3093 l. A community meeting shall be convened by the applicant before submittal of
3094 an application for permits to establish a camp, or to expand the number of camp users on an
3095 existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the
3096 meeting shall be provided at least two weeks in advance to all property owners within five
3097 hundred feet, or at least twenty of the nearest property owners, whichever is greater. The
3098 notice shall at a minimum contain a brief description of the project and the location, as well
3099 as, contact persons and numbers.

3100 25. Limited to theaters primarily for live productions located within a Rural Town
3101 designated by the King County Comprehensive Plan.

3102 26.a. Only in an enclosed building; and

3103 b. A copy of the current liability policy of not less than one million dollars for
3104 bodily injury or death shall be maintained in the department.

3105 27. Minimum standards for outdoor paintball recreation fields:

3106 a. The minimum site area is twenty-five acres;

3107 b. Structure shall be no closer than one hundred feet from any lot line adjacent to a
3108 rural area or residential zoned property;

3109 c. The area where paintballs are discharged shall be located more than three
3110 hundred feet of any lot line and more than five hundred feet from the lot line of any
3111 adjoining rural area or residential zoned property. The department may allow for a lesser
3112 setback if it determines through the conditional use permit review that the lesser setback in

3113 combination with other elements of the site design provides adequate protection to adjoining
3114 properties and rights-of-ways;

3115 d. A twenty-foot high nylon mesh screen shall be installed around all play areas
3116 and shall be removed at the end of each day when the play area is not being used. The
3117 department may allow for the height of the screen to be lowered to no less than ten feet if it
3118 determines through the conditional use permit review that the lower screen in combination
3119 with other elements of the site design provides adequate protection from discharged
3120 paintballs;

3121 e. All parking and spectator areas, structures and play areas shall be screened
3122 from adjoining rural area or residential zoned property and public rights of way with Type 1
3123 landscaping at least ten feet wide;

3124 f. Any retail sales conducted on the property shall be accessory and incidental to
3125 the permitted activity and conducted only for the participants of the site;

3126 g. A plan of operations specifying days and hours of operation, number of
3127 participants and employees, types of equipment to be used by users of the site, safety
3128 procedures, type of compressed air fuel to be used on the site and storage and maintenance
3129 procedures for the compressed air fuel shall be provided for review in conjunction with the
3130 conditional use permit application. All safety procedures shall be reviewed and approved by
3131 department of public safety before submittal of the conditional use permit application. All
3132 activities shall be in compliance with National Paintball League standards;

3133 h. The hours of operation shall be limited to Saturdays and Sundays and statutory
3134 holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to daylight hours;

3135 i. No more than one hundred paintball players shall be allowed on the site at any
3136 one time;

3137 j. No outdoor lights or amplified sounds shall be permitted;

3138 k. The facility shall have direct access to a road designated as a major collector
3139 (or higher) in the Comprehensive Plan unless the department determines through the
3140 conditional use permit review that the type and amount of traffic generated by the facility is
3141 such that it will not cause an undue impact on the neighbors or adversely affect safety of
3142 road usage;

3143 l. The facility shall be secured at the close of business each day;

3144 m. All equipment and objects used in the paintball activities shall be removed
3145 from the site within ninety days of the discontinuance of the paintball use; and

3146 n. A copy of the current liability policy of not less than one million dollars for
3147 bodily injury or death shall be submitted with the conditional use permit application and
3148 shall be maintained in the department.

3149 28. Before filing an application with the department, the applicant shall hold a
3150 community meeting in accordance with K.C.C. 20.20.035.

3151 29. Only as accessory to a recreation or multiuse park of least twenty acres located
3152 within the urban growth area or on a site immediately adjacent to the urban growth area or
3153 in a building listed ~~((on))~~ in the National Register of Historic Places as an historic site or
3154 designated as a King County landmark subject to K.C.C. chapter 21A.32.

3155 30.a. A community meeting consistent with the requirements of K.C.C. 20.20.035
3156 shall be convened by the applicant before submittal of an application for permits to establish
3157 a destination resort.

Commented [JC216]: Technical corrections per Historic Preservation Program

Commented [JC217]: Adds a new Condition 30 to clarify where destination resorts are allowed in the Rural Area, consistent with County policies that support protection of Rural Area and Natural Resource Lands, and in acknowledgment of the infrastructure limitations in such areas

3158 b. Subject to review and approval of conditions to comply with trail corridor
3159 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

3160 c. Except for trails, residential and recreational structures and facilities shall be
3161 setback at least one hundred feet from adjacent roadways and access easements; and at least
3162 three hundred feet from adjacent residential, rural or resource zoned properties.

3163 d. Outside the urban growth area:

3164 (1) the minimum site area is ten acres and must be at least five miles from the
3165 urban growth area boundary;

3166 (2) the number of temporary lodging units shall not exceed two dwelling units
3167 per acre and be proportionately scaled and limited based on site area, availability of
3168 recreation opportunities and distance to urban area zones allowing for temporary lodging;

3169 (3) the site must be within ten miles of at least three off-site, outdoor resource-
3170 based recreation activities; and

3171 (4) the destination resort shall provide at least two on-site outdoor resource-
3172 based recreation activities.

3173 e. Dwelling units may be permitted within the destination resort at residential
3174 densities in accordance with K.C.C. chapter 21A.12, except as further limited in subsection
3175 B.30.d. of this section.

3176 f. Accessory on-site uses are allowed if reviewed and approved by the County,
3177 such as: eating and drink places, retail, temporary lodging, recreation equipment rentals,
3178 entertainment and personal services shall be at a size and scale to serve primarily the guests
3179 of the resort.

Commented [JC218]: Adds requirements from condition 18 to all zones destination resorts are allowed in (rather than just the RA zone currently); and consolidated in this new condition so that all destination resorts requirements are in one place.

3180 g. When occurring in the forest zone, forest production district or rural forest
 3181 focus areas, the proposal must demonstrate that the predominate land area will remain viable
 3182 for resource-based uses or preservation of forestry resources, or both.

3183 h. When occurring in the forest production district, only if consistent with
 3184 subsection B.30.g of this section and if compatible with long-term forestry, the interests of
 3185 Indian tribes and other resource management goals.

3186 i. A destination resort application must demonstrate that public facilities are
 3187 adequate to support the proposed use in accordance with K.C.C. chapter 21A.28.

3188 SECTION X. Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060
 3189 are hereby amended to read as follows:

3190 A. Government/business services land uses.

Commented [JC219]: Adds in the Comprehensive Plan requirements from R-631

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RUR AL	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

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*	Utility Facility	P29 C2 8	P29 C2 8	P29 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
BUSINESS SERVICES:													
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221	Farm Product												P
4222	Warehousing, Refrigeration and Storage (38)												P
*	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

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*	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	P20a	P	
*	Off-Street Required Parking Lot			P32	P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters									P	P		
873	Research, Development and Testing									P2	P2	P2	
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses		P	P22				P22	P22	P	P	P	
*	Helistop			40	C23	C23	C23	C23	C23	C24	C23	C24	

- 3191 B. Development conditions.
- 3192 1. Except self-service storage.
- 3193 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 3194 Educational Research, see general business service/office.
- 3195 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 3196 subject to K.C.C. chapter 21A.32; or
- 3197 b. only when accessory to a fire facility and the office is no greater than one
- 3198 thousand five hundred square feet of floor area.

3199 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
3200 21A.32.

3201 5. New utility office locations only if there is no commercial/industrial zoning in
3202 the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no
3203 feasible alternative location is possible, and provided further that this condition applies to
3204 the UR zone only if the property is located within a designated unincorporated Rural Town.

3205 6.a. All buildings and structures shall maintain a minimum distance of twenty feet
3206 from property lines adjoining rural area and residential zones;

3207 b. Any buildings from which fire-fighting equipment emerges onto a street shall
3208 maintain a distance of thirty-five feet from such street;

3209 c. No outdoor storage; and

3210 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
3211 feasible alternative location is possible.

3212 7. Limited to storefront police offices. Such offices shall not have:

3213 a. holding cells;

3214 b. suspect interview rooms (except in the NB zone); or

3215 c. long-term storage of stolen properties.

3216 8. Private stormwater management facilities serving development proposals
3217 located on commercial/industrial zoned lands shall also be located on
3218 commercial/industrial lands, unless participating in an approved shared facility drainage
3219 plan. Such facilities serving development within an area designated urban in the King
3220 County Comprehensive Plan shall only be located in the urban area.

3221 9. No outdoor storage of materials.

- 3222 10. Limited to office uses.
- 3223 11. Limited to self-service household moving truck or trailer rental accessory to
3224 a gasoline service station.
- 3225 12. Limited to self-service household moving truck or trailer rental accessory to
3226 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
- 3227 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
- 3228 14. Accessory to ~~a((n)) duplex, triplex, fourplex or apartment development of at~~
3229 least twelve units provided:
- 3230 a. The gross floor area in self service storage shall not exceed the total gross
3231 floor area of the ~~duplex, triplex, fourplex or apartment dwellings on the site;~~
- 3232 b. All outdoor lights shall be deflected, shaded and focused away from all
3233 adjoining property;
- 3234 c. The use of the facility shall be limited to dead storage of household goods;
- 3235 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
3236 similar equipment;
- 3237 e. No outdoor storage or storage of flammable liquids, highly combustible or
3238 explosive materials or hazardous chemicals;
- 3239 f. No residential occupancy of the storage units;
- 3240 g. No business activity other than the rental of storage units; and
- 3241 h. A resident director shall be required on the site and shall be responsible for
3242 maintaining the operation of the facility in conformance with the conditions of approval.
- 3243 i. Before filing an application with the department, the applicant shall hold a
3244 community meeting in accordance with K.C.C. 20.20.035.

Commented [JC220]: Scope II.C.1

As part of middle housing regulations, changes resulting from revising definition of apartment.

Commented [JC221]: Scope II.C.1

As part of middle housing regulations, changes resulting from revising definition of apartment.

- 3245 15. Repealed.
- 3246 16. Only as an accessory use to another permitted use.
- 3247 17. No outdoor storage.
- 3248 18. Only as an accessory use to a public agency or utility yard, or to a transfer
3249 station.
- 3250 19. Limited to new commuter parking lots designed for thirty or fewer parking
3251 spaces or commuter parking lots located on existing parking lots for churches, schools, or
3252 other permitted nonresidential uses that have excess capacity available during commuting;
3253 provided that the new or existing lot is adjacent to a designated arterial that has been
3254 improved to a standard acceptable to the department of local services;
- 3255 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,
3256 and
- 3257 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall
3258 be:
- 3259 (1) permitted only on parcels located within Vashon Town Center;
3260 (2) accessory to a gas or automotive service use; and
3261 (3) limited to no more than ten vehicles.
- 3262 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
3263 vehicles.
- 3264 22. Storage limited to accessory storage of commodities sold at retail on the
3265 premises or materials used in the fabrication of commodities sold on the premises.

3266 23. Limited to emergency medical evacuation sites in conjunction with police,
3267 fire or health service facility. Helistops are prohibited from the UR zone only if the
3268 property is located within a designated unincorporated Rural Town.

3269 24. Allowed as accessory to an allowed use.

3270 25. Limited to private road ambulance services with no outside storage of
3271 vehicles.

3272 26. Limited to two acres or less.

3273 27a. Utility yards only on sites with utility district offices; or

3274 b. Public agency yards are limited to material storage for road maintenance
3275 facilities.

3276 28. Limited to local distribution gas storage tanks that pipe to individual
3277 residences but excluding liquefied natural gas storage tanks.

3278 29. Excluding local distribution gas storage tanks.

3279 30. For I-zoned sites located outside the urban growth area designated by the King
3280 County Comprehensive Plan, uses shall be subject to the provisions for rural industrial uses
3281 in K.C.C. ~~((chapter 21A.12))~~ 21A.14.280.

3282 31. Vector waste treatment, storage and disposal shall be limited to liquid
3283 materials. Materials shall be disposed of directly into a sewer system, or shall be stored in
3284 tanks (or other covered structures), as well as enclosed buildings.

3285 32. Provided:

3286 a. Off-street required parking for a land use located in the urban area must be
3287 located in the urban area;

Commented [CJ222]: Scope IV.D.5
Technical correction to reflect existing intent re: Rural Industrial standards.

3288 b. Off-street required parking for a land use located in the rural area must be
3289 located in the rural area; and

3290 c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street
3291 required parking must be located on a lot that would permit, either outright or through a
3292 land use permit approval process, the land use the off-street parking will serve.

3293 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to be
3294 located on a site in the NB zone, off-street required parking may be located on a site within
3295 three hundred feet of the social service agency, regardless of zoning classification of the
3296 site on which the parking is located.

3297 33. Subject to review and approval of conditions to comply with trail corridor
3298 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

3299 34. Limited to landscape and horticultural services (SIC 078) that are accessory
3300 to a retail nursery, garden center and farm supply store. Construction equipment for the
3301 accessory use shall not be stored on the premises.

3302 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
3303 use.

3304 36. Repealed.

3305 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
3306 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
3307 use shall not exceed ten thousand square feet.

3308 38. If the farm product warehousing, refrigeration and storage, or log storage, is
3309 associated with agriculture activities it will be reviewed in accordance with K.C.C.
3310 21A.08.090.

3311 39. Excluding fossil fuel facilities.
3312 40. Helistops are not allowed in the RA zone as an accessory to a government or
3313 business services use, but may be allowed in that zone as part of a search and rescue facility,
3314 subject to K.C.C. 21A.08.100.B.30.

3315 SECTION X. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070
3316 are hereby amended to read as follows:

3317 A. Retail 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
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores				P30		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

~~(((30)))~~ **Commented [JC223]:** Typo. Inadvertently added in 2004 without legislative direction; there is no condition 30 in subsection-B below, and the conditions in 2004 only went up to 25. Likely an accidental carryover of the Government/Business Services table.

Commented [JC224]: To reflect new development condition B.30 below

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56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places			P21	C19		P20	P20	P10	P	P	P	P
*	Remote Tasting Room			P13						P7	P7		
*	Drug Stores						C15	P15	P	P	P	C	
*	(Marijuana) Cannabis retailer									P26	P26		
592	Liquor Stores									P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores		P22 and 29	P29	P29	P22 and 29	P22 and 29						
*	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		

Commented [JC225]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

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

3318 B. Development conditions.

3319 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
 3320 thousand square feet, unless located in a building designated as historic resource under
 3321 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
 3322 thousand five hundred square feet may be allowed. Greenhouses used for the display of
 3323 merchandise other than plants shall be considered part of the covered sales area. Uncovered
 3324 outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of
 3325 the covered sales area;

- 3326 b. The site area shall be at least four and one-half acres;
- 3327 c. Sales may include locally made arts and crafts; and
- 3328 d. Outside lighting is permitted if no off-site glare is allowed.

3329 2. Only hardware stores.

3330 3.a. Limited to products grown on site.

- 3331 b. Covered sales areas shall not exceed a total area of five hundred square feet.

3332 4. No permanent structures or signs.

3333 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
 3334 maximum of two thousand square feet of gross floor area.

3335 6. Limited to a maximum of five thousand square feet of gross floor area.

3336 7. Off-street parking is limited to a maximum of one space per fifty square feet of
 3337 tasting and retail areas.

3338 8. Excluding retail sale of trucks exceeding one-ton capacity.

- 3339 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 3340 10. Excluding SIC Industry No. 5813-Drinking Places.
- 3341 11. No outside storage of fuel trucks and equipment.
- 3342 12. Excluding vehicle and livestock auctions.
- 3343 13. Permitted as part of the demonstration project authorized by K.C.C.
- 3344 21A.55.110.
- 3345 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a
- 3346 maximum of five thousand square feet of gross floor area, and subject to K.C.C.
- 3347 21A.12.230; and
- 3348 b. Before filing an application with the department, the applicant shall hold a
- 3349 community meeting in accordance with K.C.C. 20.20.035.
- 3350 15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet
- 3351 of gross floor area and subject to K.C.C. 21A.12.230; and
- 3352 b. Before filing an application with the department, the applicant shall hold a
- 3353 community meeting in accordance with K.C.C. 20.20.035.
- 3354 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places,
- 3355 and limited to a maximum of five thousand square feet of gross floor area and subject to
- 3356 K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
- 3357 b. Before filing an application with the department, the applicant shall hold a
- 3358 community meeting in accordance with K.C.C. 20.20.035.
- 3359 17. Repealed.
- 3360 18. Repealed.
- 3361 19. Only as:

- 3362 a. an accessory use to a permitted manufacturing or retail land use, limited to
3363 espresso stands to include sales of beverages and incidental food items, and not to include
3364 drive-through sales; or
- 3365 b. an accessory use to a recreation or multiuse park, limited to a total floor area of
3366 three thousand five hundred square feet.
- 3367 20. Only as:
- 3368 a. an accessory use to a recreation or multiuse park; or
3369 b. an accessory use to a park and limited to a total floor area of one thousand five
3370 hundred square feet.
- 3371 21. Accessory to a park, limited to a total floor area of seven hundred fifty square
3372 feet.
- 3373 22. Only as an accessory use to:
- 3374 a. a large active recreation and multiuse park in the urban growth area; or
3375 b. a park, or a recreation or multiuse park in the RA zones, and limited to a total
3376 floor area of seven hundred and fifty square feet.
- 3377 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC Industry
3378 No. 2431-Millwork and;
- 3379 a. limited to lumber milled on site; and
3380 b. the covered sales area is limited to two thousand square feet. The covered
3381 sales area does not include covered areas used to display only milled lumber.
- 3382 24. Requires at least five farmers selling their own products at each market and the
3383 annual value of sales by farmers should exceed the annual sales value of nonfarmer vendors.
- 3384 25. Limited to sites located within the urban growth area and:

3385 a. The sales area shall be limited to three hundred square feet and must be
3386 removed each evening;

3387 b. There must be legal parking that is easily available for customers; and

3388 c. The site must be in an area that is easily accessible to the public, will
3389 accommodate multiple shoppers at one time and does not infringe on neighboring
3390 properties.

3391 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet of
3392 gross floor area devoted to, and in support of, the retail sale of ((~~marijuana~~)) cannabis.

3393 b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated
3394 total gross floor area devoted to, and in support of, the retail sale of ((~~marijuana~~)) cannabis
3395 may be increased to up to three thousand square feet if the retail outlet devotes at least five
3396 hundred square feet to the sale, and the support of the sale, of medical ((~~marijuana~~))
3397 cannabis, and the operator maintains a current medical ((~~marijuana~~)) cannabis endorsement
3398 issued by the Washington state Liquor and Cannabis Board.

3399 c. Any lot line of a lot having any area devoted to retail ((~~marijuana~~)) cannabis
3400 activity must be one thousand feet or more from any lot line of any other lot having any area
3401 devoted to retail ((~~marijuana~~)) cannabis activity; and a lot line of a lot having any area
3402 devoted to new retail ((~~marijuana~~)) cannabis activity may not be within one thousand feet of
3403 any lot line of any lot having any area devoted to existing retail ((~~marijuana~~)) cannabis
3404 activity.

3405 d. Whether a new retail ((~~marijuana~~)) cannabis activity complies with this
3406 locational requirement shall be determined based on the date a conditional use permit

Commented [JC226]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

3407 application submitted to the department of local services, permitting division, became or
3408 was deemed complete, and:

3409 (1) if a complete conditional use permit application for the proposed retail
3410 (~~marijuana~~) cannabis use was not submitted, or if more than one conditional use permit
3411 application became or was deemed complete on the same date, then the director shall
3412 determine compliance based on the date the Washington state Liquor and Cannabis Board
3413 issues a Notice of (~~Marijuana~~) Cannabis Application to King County;

3414 (2) if the Washington state Liquor and Cannabis Board issues more than one
3415 Notice of (~~Marijuana~~) Cannabis Application on the same date, then the director shall
3416 determine compliance based on the date either any complete building permit or change of
3417 use permit application, or both, were submitted to the department declaring retail
3418 (~~marijuana~~) cannabis activity as an intended use;

3419 (3) if more than one building permit or change of use permit application was
3420 submitted on the same date, or if no building permit or change of use permit application was
3421 submitted, then the director shall determine compliance based on the date a complete
3422 business license application was submitted; and

3423 (4) if a business license application was not submitted or more than one business
3424 license application was submitted, then the director shall determine compliance based on the
3425 totality of the circumstances, including, but not limited to, the date that a retail (~~marijuana~~)
3426 cannabis license application was submitted to the Washington state Liquor and Cannabis
3427 Board identifying the lot at issue, the date that the applicant entered into a lease or purchased
3428 the lot at issue for the purpose of retail (~~marijuana~~) cannabis use and any other facts

3429 illustrating the timing of substantial investment in establishing a licensed retail ((~~marijuana~~))
3430 cannabis use at the proposed location.

3431 e. Retail ((~~marijuana~~)) cannabis businesses licensed by the Washington state
3432 Liquor and Cannabis Board and operating within one thousand feet of each other as of
3433 August 14, 2016, and retail ((~~marijuana~~)) cannabis businesses that do not require a permit
3434 issued by King County, that received a Washington state Liquor and Cannabis Board license
3435 to operate in a location within one thousand feet of another licensed retail ((~~marijuana~~))
3436 cannabis business prior to August 14, 2016, and that King County did not object to within
3437 the Washington state Liquor and Cannabis Board ((~~marijuana~~)) cannabis license application
3438 process, shall be considered nonconforming and may remain in their current location,
3439 subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming
3440 uses, except:

- 3441 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and
3442 (2) the gross floor area of a nonconforming retail outlet may be increased up to
3443 the limitations in subsection B.26.a. and B.26.b. of this section.

3444 | 27. Per lot, limited to a maximum aggregated total of five thousand square feet
3445 gross floor area devoted to, and in support of, the retail sale of ((~~marijuana~~)) cannabis, and;

3446 a. Any lot line of a lot having any area devoted to retail ((~~marijuana~~)) cannabis
3447 activity must be one thousand feet or more from any lot line of any other lot having any area
3448 devoted to retail ((~~marijuana~~)) cannabis activity; and any lot line of a lot having any area
3449 devoted to new retail ((~~marijuana~~)) cannabis activity may not be within one thousand feet of
3450 any lot line of any lot having any area devoted to existing retail ((~~marijuana~~)) cannabis
3451 activity; and

Commented [JC227]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

3452 b. Whether a new retail (~~(marijuana)~~) cannabis activity complies with this
3453 locational requirement shall be determined based on the date a conditional use permit
3454 application submitted to the department of local services, permitting division, became or
3455 was deemed complete, and:

3456 (1) if a complete conditional use permit application for the proposed retail
3457 (~~(marijuana)~~) cannabis use was not submitted, or if more than one conditional use permit
3458 application became or was deemed complete on the same date, then the director shall
3459 determine compliance based on the date the Washington state Liquor and Cannabis Board
3460 issues a Notice of (~~(Marijuana)~~) Cannabis Application to King County;

3461 (2) if the Washington state Liquor and Cannabis Board issues more than one
3462 Notice of (~~(Marijuana)~~) Cannabis Application on the same date, then the director shall
3463 determine compliance based on the date either any complete building permit or change of
3464 use permit application, or both, were submitted to the department declaring retail
3465 (~~(marijuana)~~) cannabis activity as an intended use;

3466 (3) if more than one building permit or change of use permit application was
3467 submitted on the same date, or if no building permit or change of use permit application was
3468 submitted, then the director shall determine compliance based on the date a complete
3469 business license application was submitted; and

3470 (4) if a business license application was not submitted or more than one business
3471 license application was submitted, then the director shall determine compliance based on the
3472 totality of the circumstances, including, but not limited to, the date that a retail (~~(marijuana)~~)
3473 cannabis license application was submitted to the Washington state Liquor and Cannabis
3474 Board identifying the lot at issue, the date that the applicant entered into a lease or purchased

3475 the lot at issue for the purpose of retail ((~~marijuana~~)) cannabis use, and any other facts
3476 illustrating the timing of substantial investment in establishing a licensed retail ((~~marijuana~~))
3477 cannabis use at the proposed location; and

3478 c. Retail ((~~marijuana~~)) cannabis businesses licensed by the Washington state
3479 Liquor and Cannabis Board and operating within one thousand feet of each other as of
3480 August 14, 2016, and retail ((~~marijuana~~)) cannabis businesses that do not require a permit
3481 issued by King County, that received a Washington state Liquor and Cannabis Board license
3482 to operate in a location within one thousand feet of another licensed retail ((~~marijuana~~))
3483 cannabis business prior to August 14, 2016, and that King County did not object to within
3484 the Washington state Liquor and Cannabis Board ((~~marijuana~~)) cannabis license application
3485 process, shall be considered nonconforming and may remain in their current location,
3486 subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming
3487 uses, except:

3488 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and
3489 (2) the gross floor area of a nonconforming retail outlet may be increased up to
3490 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

3491 28. If the agricultural product sales or livestock sales is associated with agricultural
3492 activities it will be reviewed in accordance with K.C.C. 21A.08.090.

3493 29. Businesses selling firearms that have a storefront, have hours during which it is
3494 open for business, and post advertisements or signs observable to passersby that firearms are
3495 available for sale shall be located at least five hundred feet or more from any elementary,
3496 middle/junior high and secondary or high school properties. Businesses selling firearms in
3497 existence before June 30, 2020, shall be considered nonconforming and may remain in their

3498 current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for
3499 nonconforming uses.

3500 30. Only within a grange hall listed in the National Register of Historic Places as
3501 an historic site or designated as a King County landmark subject to K.C.C. chapter 21A.32
3502 and if the parcel is located within one thousand feet of a Rural Neighborhood Commercial
3503 Center as designated by the King County Comprehensive Plan.

3504 SECTION X. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080
3505 are hereby amended to read as follows:

3506 A. Manufacturing land uses.

Commented [JC228]: In response to a docket request, to support creative reuse and associated preservation of otherwise unused grange halls in a manner that serves the local community, allow food stores in the RA zone outside of a Rural Neighborhood Commercial Center, if the store is within a historically designated Grange Hall and the property is located near an existing Rural Neighborhood Commercial Center.

Commented [JC229]: Language did not appear in Ordinance 19030 but a deletion was not indicated as required in K.C.C. 1.24.075. Deletion was inadvertent. Adding back now.

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		P2 C
*	Winery/Brewery /Distillery Facility I				P32								
*	Winery/Brewery /Distillery Facility II	P3			P3 C30				P17	P17	P29		P31
	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

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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			P3 C
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
371	Motor Vehicles and Motor Vehicle Equipment											C
374	Railroad Equipment											C

Commented [JC230]: Scope IV.D.5 - Review code provisions for manufacturing and regional land use uses allowed in the Industrial zone ...

A leather tannery is not something appropriate for the rural industrial zones, but there are concerns with making all leather uses in SIC 31 a conditional use in the urban area. This is instead split into a Conditional Use Permit for Leather Tanneries, and then permitted for all the other SIC 31 uses.

Commented [JC231]: Per Scope IV.D.5.5. Review code provisions for manufacturing and regional land use uses allowed in the Industrial zone ...

Proposing removal of "Motor vehicle and bicycle manufacturing" definition from K.C.C. Chapter 21A.06 per the changes to the manufacturing table in this ordinance. The change in the use tables to align with SIC codes (371 and 375) and separates the two uses into their own rows with unique conditions.

3519 c. The aggregated floor area of structures and areas for winery, brewery, distillery
3520 facility uses shall not exceed three thousand five hundred square feet, unless located in
3521 whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in
3522 which case the aggregated floor area of structures and areas devoted to winery, brewery,
3523 distillery facility uses shall not exceed seven thousand square feet in the RA zone and five
3524 thousand square feet in the A zone. Decks that are not occupied and not open to the public
3525 are excluded from the calculation for maximum aggregated floor area;

3526 d. Structures and parking areas for winery, brewery, distillery facility uses shall
3527 maintain a minimum distance of seventy-five feet from interior property lines adjoining
3528 rural area and residential zones, unless located in a building designated as historic resource
3529 under K.C.C. chapter 20.62, except that on Vashon-Maury Island this setback requirement
3530 shall not apply to structures and parking areas in use on December 4, 2019, by existing
3531 winery, brewery or distillery business locations licensed to produce by the Washington state
3532 Liquor and Cannabis Board before January 1, 2019;

3533 e. In the A zone, sixty percent or more of the products processed must be grown
3534 on-site. At the time of the initial application under K.C.C. chapter 6.74, the applicant shall
3535 submit a projection of the source of products to be produced;

3536 f. At least two stages of production of wine, beer, cider or distilled spirits, such as
3537 crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
3538 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
3539 least one of the stages of production occurring on-site shall include crushing, fermenting or
3540 distilling;

3541 g. In the A zone, structures and area for non-agricultural winery, brewery,
3542 distillery facility uses shall be located on portions of agricultural lands that are unsuitable for
3543 agricultural purposes, such as areas within the already developed portion of such agricultural
3544 lands that are not available for direct agricultural production, or areas without prime
3545 agricultural soils. No more than one acre of agricultural land may be converted to a
3546 nonagricultural accessory use;

3547 h. Tasting and retail sales of products produced on-site may occur only as
3548 accessory to the primary winery, brewery, distillery production use and may be provided in
3549 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited
3550 to no more than thirty percent of the aggregated floor area and shall be included in the
3551 aggregated floor area limitation in subsection B.3.c. of this section. The limitation on
3552 tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island
3553 to winery, brewery, or distillery business locations in use and licensed to produce by the
3554 Washington state Liquor and Cannabis Board before January 1, 2019, or on sites in the RA
3555 zone that contain a building designated as historic resource under K.C.C. chapter 20.62.
3556 Incidental retail sales of merchandise related to the products produced on-site is allowed
3557 subject to the restrictions described in this subsection B.3. Hours of operation for on-site
3558 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
3559 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,
3560 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

3561 i. Access to the site shall be directly to and from an arterial roadway, except that
3562 this requirement shall not apply on Vashon-Maury Island to winery, brewery, distillery

3563 facility business locations in use and licensed to produce by the Washington state Liquor
3564 and Cannabis Board before January 1, 2019;

3565 j. Off-street parking is limited to a maximum of one hundred fifty percent of the
3566 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

3567 k. The business operator shall obtain an adult beverage business license in
3568 accordance with K.C.C. chapter 6.74;

3569 l. Events may be allowed with an approved temporary use permit under K.C.C.
3570 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

3571 m. The impervious surface associated with the winery, brewery, distillery facility
3572 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for
3573 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

3574 4. Limited to rough milling and planing of products grown on-site with portable
3575 equipment.

3576 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
3577 Millwork. For RA zoned sites, if using lumber or timber grown off-site, the minimum site
3578 area is four and one-half acres.

3579 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
3580 No. 2431-Millwork, (excluding planing mills).

3581 7. Limited to photocopying and printing services offered to the general public.

3582 8. Only within enclosed buildings, and as an accessory use to retail sales.

3583 9. Only within enclosed buildings.

3584 10. Limited to boat building of craft not exceeding forty-eight feet in length.

3585 11. For I-zoned sites located outside the urban growth area designated by the King
3586 County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
3587 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
3588 rural industrial uses as set forth in K.C.C. ~~((chapter 21A.12))~~ 21A.14.280.

3589 12.a. In the A zone, only allowed on sites where the primary use is SIC Industry
3590 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
3591 Animals;

3592 b. The aggregated floor area of structures and areas for winery, brewery, distillery
3593 facility uses shall not exceed a total of eight thousand square feet. Decks that are not
3594 occupied and not open to the public are excluded from the calculation for maximum
3595 aggregated floor area;

3596 c. Only allowed on lots of at least four and one-half acres. If the aggregated floor
3597 area of structures for winery, brewery, distillery uses exceeds six thousand square feet, the
3598 minimum site area shall be ten acres;

3599 d. Wineries, breweries and distilleries shall comply with Washington state
3600 Department of Ecology and King County board of health regulations for water usage and
3601 wastewater disposal, and must connect to an existing Group A water system. The
3602 definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and
3603 provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

3604 e. Structures and parking areas for winery, brewery distillery facility uses shall
3605 maintain a minimum distance of seventy-five feet from interior property lines adjoining
3606 rural area and residential zones, unless located in a building designated as historic resource
3607 under K.C.C. chapter 20.62;

Commented [CJ234]: Scope IV.D.5
Technical correction to reflect existing intent re: Rural Industrial
standards.

3608 f. In the A Zone, sixty percent or more of the products processed must be grown
3609 on-site. At the time of the initial application under K.C.C. chapter 6.74, the applicant shall
3610 submit a projection of the source of products to be processed;

3611 g. At least two stages of production of wine, beer, cider or distilled spirits, such as
3612 crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
3613 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
3614 least one of the stages of on-site production shall include crushing, fermenting or distilling;

3615 h. In the A zone, structures and areas for non-agricultural winery, brewery,
3616 distillery facility uses shall be located on portions of agricultural lands that are unsuitable for
3617 agricultural purposes, such as areas within the already developed portion of such agricultural
3618 lands that are not available for direct agricultural production, or areas without prime
3619 agricultural soils. No more than one acre of agricultural land may be converted to a
3620 nonagricultural accessory use;

3621 i. Tasting and retail sales of products produced on-site may occur only as
3622 accessory to the primary winery, brewery, distillery production use and may be provided in
3623 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited
3624 to no more than thirty percent of the aggregated floor area and shall be included in the
3625 aggregated floor area limitation in subsection B.12.b. and c. of this section. Incidental retail
3626 sales of merchandise related to the products produced on-site is allowed subject to the
3627 restrictions described in this subsection. Hours of operation for on-site tasting of products
3628 shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room
3629 hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays,
3630 tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

- 3631 j. Access to the site shall be directly to and from an arterial roadway;
- 3632 k. Off-street parking maximums shall be determined through the conditional use
3633 permit process, and should not be more than one hundred fifty percent of the minimum
3634 required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
- 3635 l. The business operator shall obtain an adult beverage business license in
3636 accordance with K.C.C. chapter 6.74;
- 3637 m. Events may be allowed with an approved temporary use permit under K.C.C.
3638 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and
- 3639 n. The impervious surface associated with the winery, brewery, distillery facility
3640 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for
3641 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.
- 3642 13. Only on the same lot or same group of lots under common ownership or
3643 documented legal control, which includes, but is not limited to, fee simple ownership, a
3644 long-term lease or an easement, and:
- 3645 a. Does not include retail sales of processed materials, and
- 3646 b.1. as accessory to a primary forestry use and at a scale appropriate to process
3647 the organic waste generated on the site; or
- 3648 ~~((b-))~~ 2. as a continuation of a sawmill or lumber manufacturing use only for that
3649 period to complete delivery of products or projects under contract at the end of the sawmill
3650 or lumber manufacturing activity.
- 3651 14. Only on the same lot or same group of lots under common ownership or
3652 documented legal control, which includes, but is not limited to, fee simple ownership, a
3653 long-term lease or an easement, and:

Commented [JC235]: Scope IV.E.2

Materials processing uses, which can include both organic and mineral processing, often source materials from resource and rural areas. Generally, it is, and can be, beneficial, both economically and environmentally, for these types of facilities to be in the rural area when properly regulated and mitigated. By locating closer to the resources, these uses can avoid unneeded increased transportation costs and related emissions impacts by reducing the number of truck and vehicle trips and miles travelled. So, no changes are proposed to limit the locations of these sites. However, various changes are opposed to impose additional regulations for materials processing uses, such as disallowing retail sales of the materials on the site; as an accessory to a mineral use, only allow processing of onsite and/or nearby (within three miles of the site) materials; and additional requirements for sites in the rural area, including storage limitations (up to 3,000 cubic yards), ensuring code compliance requirements (landscaping, nonresidential land use standards, and grading permits), and requiring materials to primarily be from rural and resource lands to ensure it is a rural-dependent use.

3654 a. does not include retail sales of processed materials, and
3655 b.1. as accessory to a primary on-site mineral use and may only process materials
3656 generated from on-site or properties within three miles of the site; or
3657 ~~(b-))~~ 2. as a continuation of a mineral processing use only for that period to
3658 complete delivery of products or projects under contract at the end of mineral extraction.
3659 15. Continuation of a materials processing facility after reclamation in accordance
3660 with an approved reclamation plan.
3661 16. Only a site that is ten acres or greater and ((that)) in accordance with the
3662 following:
3663 a. the site does not use local access streets that abut lots developed for residential
3664 use;
3665 b. the materials processing use meets the requirements of K.C.C. 21A.12.220 and
3666 K.C.C. chapter 21A.16;
3667 c. the materials processing use has an active operational grading permit;
3668 d. materials storage does not exceed three thousand cubic yards;
3669 e. materials processed are primarily from the Rural Area and Natural Resource
3670 Lands; and
3671 f. retail sales are prohibited.
3672 17.a. The aggregated floor area of structures and areas for winery, brewery,
3673 distillery facility uses shall not exceed three thousand five hundred square feet, unless
3674 located in whole or in part in a structure designated as historic resource under K.C.C.
3675 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
3676 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks

Commented [JC236]: Scope IV.E.2

Materials processing uses, which can include both organic and mineral processing, often source materials from resource and rural areas. Generally, it is, and can be, beneficial, both economically and environmentally, for these types of facilities to be in the rural area when properly regulated and mitigated. By locating closer to the resources, these uses can avoid unneeded increased transportation costs and related emissions impacts by reducing the number of truck and vehicle trips and miles travelled. So, no changes are proposed to limit the locations of these sites. However, various changes are opposed to impose additional regulations for materials processing uses, such as disallowing retail sales of the materials on the site; as an accessory to a mineral use, only allow processing of onsite and/or nearby (within three miles of the site) materials; and additional requirements for sites in the rural area, including storage limitations (up to 3,000 cubic yards), ensuring code compliance requirements (landscaping, nonresidential land use standards, and grading permits), and requiring materials to primarily be from rural and resource lands to ensure it is a rural-dependent use.

Commented [JC237]: Scope IV.E.2

Materials processing uses, which can include both organic and mineral processing, often source materials from resource and rural areas. Generally, it is, and can be, beneficial, both economically and environmentally, for these types of facilities to be in the rural area when properly regulated and mitigated. By locating closer to the resources, these uses can avoid unneeded increased transportation costs and related emissions impacts by reducing the number of truck and vehicle trips and miles travelled. So, no changes are proposed to limit the locations of these sites. However, various changes are opposed to impose additional regulations for materials processing uses, such as disallowing retail sales of the materials on the site; as an accessory to a mineral use, only allow processing of onsite and/or nearby (within three miles of the site) materials; and additional requirements for sites in the rural area, including storage limitations (up to 3,000 cubic yards), ensuring code compliance requirements (landscaping, nonresidential land use standards, and grading permits), and requiring materials to primarily be from rural and resource lands to ensure it is a rural-dependent use.

3677 that are not occupied and not open to the public are excluded from the calculation for
3678 maximum aggregated floor area;

3679 b. Structures and parking areas for winery, brewery, distillery facility uses shall
3680 maintain a minimum distance of seventy-five feet from interior property lines adjoining
3681 rural area and residential zones, unless located in a building designated as historic resource
3682 under K.C.C. chapter 20.62;

3683 c. Tasting and retail sale of products produced on-site, and merchandise related to
3684 the products produced on-site, may be provided in accordance with state law. The area
3685 devoted to on-site tasting or retail sales shall be included in the aggregated floor area
3686 limitation in subsection B.17.a. of this section;

3687 d. Off-street parking for the tasting and retail areas shall be limited to a maximum
3688 of one space per fifty square feet of tasting and retail areas;

3689 e. The business operator shall obtain an adult beverage business license in
3690 accordance with K.C.C. chapter 6.74; and

3691 f. Events may be allowed with an approved temporary use permit under K.C.C.
3692 chapter 21A.32.

3693 18. Limited to:

3694 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork,
3695 as follows:

3696 (1) If using lumber or timber grown off-site, the minimum site area is four and
3697 one-half acres;

3698 (2) The facility shall be limited to an annual production of no more than one
3699 hundred fifty thousand board feet;

3700 (3) Structures housing equipment used in the operation shall be located at least
3701 one-hundred feet from adjacent properties with residential or rural area zoning;

3702 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
3703 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

3704 (5) In the RA zone, the facility's driveway shall have adequate entering sight
3705 distance required by the 2007 King County Road Design and Construction Standards. An
3706 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
3707 the roadway that the driveway accesses; and

3708 (6) Outside lighting is limited to avoid off-site glare; and

3709 b. SIC Industry No. 2411-Logging.

3710 19. Limited to manufacture of custom made wood furniture or cabinets.

3711 20.a. Only allowed on lots of at least four and one-half acres;

3712 b. Only as an accessory use to a Washington state Liquor ~~((Control))~~ and

3713 Cannabis Board licensed ~~((marijuana))~~ cannabis production facility on the same lot;

3714 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

3715 d. Only with documentation that the operator has applied for a Puget Sound

3716 Clean Air Agency Notice of Construction Permit. All department permits issued to either

3717 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require

3718 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before

3719 ~~((marijuana))~~ cannabis products are imported onto the site; and

3720 e. Accessory ~~((marijuana))~~ cannabis processing uses allowed under this section

3721 are subject to all limitations applicable to ~~((marijuana))~~ cannabis production uses under

3722 K.C.C. 21A.08.090.

Commented [JC238]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC239]: Similar technical changes to reflect current state agency name made elsewhere in the code in 2016 via Ordinance 18326, but this section was omitted.

3723 | 21.a. Only in the CB and RB zones located outside the urban growth area;
3724 | b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

3725 | c. Only with documentation that the operator has applied for a Puget Sound Clean
3726 | Air Agency Notice of Construction Permit. All department permits issued to either
3727 | ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
3728 | that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
3729 | ~~((marijuana))~~ cannabis products are imported onto the site;

3730 | d. Per lot, the aggregated total gross floor area devoted to the use of, and in
3731 | support of, processing ~~((marijuana))~~ cannabis together with any separately authorized
3732 | production of ~~((marijuana))~~ cannabis shall be limited to a maximum of two thousand square
3733 | feet; and

3734 | e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
3735 | ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-
3736 | square-foot threshold area on that lot shall obtain a conditional use permit as set forth in
3737 | subsection B.22. of this section.

3738 | 22.a. Only in the CB and RB zones located outside the urban growth area;
3739 | b. Per lot, the aggregated total gross floor area devoted to the use of, and in
3740 | support of, processing ~~((marijuana))~~ cannabis together with any separately authorized
3741 | production of ~~((marijuana))~~ cannabis shall be limited to a maximum of thirty thousand
3742 | square feet;

3743 | c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
3744 | d. Only with documentation that the operator has applied for a Puget Sound
3745 | Clean Air Agency Notice of Construction Permit. All department permits issued to either

Commented [JC240]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC241]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

3746 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require
3747 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
3748 ((~~marijuana~~)) cannabis products are imported onto the site.

3749 23.a. Only in the CB and RB zones located inside the urban growth area;

3750 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

3751 c. Only with documentation that the operator has applied for a Puget Sound Clean

3752 Air Agency Notice of Construction Permit. All department permits issued to either

3753 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require

3754 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before

3755 ((~~marijuana~~)) cannabis products are imported onto the site;

3756 d. Per lot, the aggregated total gross floor area devoted to the use of, and in

3757 support of, processing ((~~marijuana~~)) cannabis together with any separately authorized

3758 production of ((~~marijuana~~)) cannabis shall be limited to a maximum of two thousand square

3759 feet; and

3760 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every

3761 ((~~marijuana~~)) cannabis-related entity occupying space in addition to the two-thousand-

3762 square-foot threshold area on that lot shall obtain a conditional use permit as set forth in

3763 subsection B.24. of this section.

3764 24.a. Only in the CB and RB zones located inside the urban growth area;

3765 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

3766 c. Only with documentation that the operator has applied for a Puget Sound Clean

3767 Air Agency Notice of Construction Permit. All department permits issued to either

3768 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require

Commented [JC242]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC243]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

3769 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
3770 ((~~marijuana~~)) cannabis products are imported onto the site; and

3771 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
3772 support of, processing ((~~marijuana~~)) cannabis together with any separately authorized
3773 production of ((~~marijuana~~)) cannabis shall be limited to a maximum of thirty thousand
3774 square feet.

3775 | 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

3776 b. Only with documentation that the operator has applied for a Puget Sound
3777 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3778 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require
3779 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
3780 ((~~marijuana~~)) cannabis products are imported onto the site; and

3781 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
3782 gross floor area devoted to, and in support of, the processing of ((~~marijuana~~)) cannabis
3783 together with any separately authorized production of ((~~marijuana~~)) cannabis.

3784 | 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

3785 b. Only with documentation that the operator has applied for a Puget Sound
3786 Clean Air Agency Notice of Construction Permit. All department permits issued to either
3787 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require
3788 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
3789 ((~~marijuana~~)) cannabis products are imported onto the site; and

Commented [JC244]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC245]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

3790 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
3791 gross floor area devoted to, and in support of, the processing of ~~((marijuana))~~ cannabis
3792 together with any separately authorized production of ~~((marijuana))~~ cannabis.

3793 27.a. ~~((Marijuana))~~ Cannabis processors in all RA zoned areas except for Vashon-
3794 Maury Island, that do not require a conditional use permit issued by King County, that
3795 receive a Washington state Liquor and Cannabis Board license business prior to October 1,
3796 2016, and that King County did not object to within the Washington state Liquor and
3797 Cannabis Board ~~((marijuana))~~ cannabis license application process, shall be considered
3798 nonconforming as to subsection B.27.e. of this section, subject to the provisions of K.C.C.
3799 21A.32.020 through 21A.32.075 for nonconforming uses;

3800 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

3801 c. Only with documentation that the operator has applied for a Puget Sound Clean
3802 Air Agency Notice of Construction Permit. All department permits issued to either
3803 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
3804 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
3805 ~~((marijuana))~~ cannabis products are imported onto the site;

3806 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
3807 Island;

3808 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
3809 except on Vashon-Maury Island;

3810 f. Only as an accessory use to a Washington state Liquor Cannabis Board
3811 licensed ~~((marijuana))~~ cannabis production facility on the same lot; and

Commented [JC246]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

3812 g. Accessory (~~(marijuana)~~) cannabis processing uses allowed under this section
3813 are subject to all limitations applicable to (~~(marijuana)~~) cannabis production uses under
3814 K.C.C. 21A.08.090.

3815 28. If the food and kindred products manufacturing or processing is associated
3816 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

3817 29.a. Tasting and retail sales of products produced on-site, and merchandise related
3818 to the products produced on-site, may be provided in accordance with state law;

3819 b. Structures and parking areas for winery, brewery, distillery facility uses shall
3820 maintain a minimum distance of seventy-five feet from interior property lines adjoining
3821 rural area and residential zones, unless located in a building designated as historic resource
3822 under K.C.C. chapter 20.62;

3823 c. For winery, brewery, distillery facility uses that do not require a conditional use
3824 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
3825 one space per fifty square feet of tasting and retail areas. For winery, brewery, distillery
3826 facility uses that do require a conditional use permit, off-street parking maximums shall be
3827 determined through the conditional use permit process, and off-street parking for the tasting
3828 and retail areas should be limited to a maximum of one space per fifty square feet of tasting
3829 and retail areas;

3830 d. The business operator shall obtain an adult beverage business license in
3831 accordance with K.C.C. chapter 6.74; and

3832 e. Events may be allowed with an approved temporary use permit under K.C.C.
3833 chapter 21A.32.

3834 30.a. Only allowed on lots of at least two and one-half acres;

3835 b. The aggregated floor area of structures and areas for winery, brewery, distillery
3836 facility uses shall not exceed three thousand five hundred square feet, unless located in
3837 whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in
3838 which case the aggregated floor area of structures and areas devoted to winery, brewery,
3839 distillery facility uses shall not exceed five thousand square feet. Decks that are not
3840 occupied and not open to the public are excluded from the calculation for maximum
3841 aggregated floor area;

3842 c. Structures and parking areas for winery, brewery, distillery facility uses shall
3843 maintain a minimum distance of seventy-five feet from interior property lines adjoining
3844 rural area and residential zones, unless located in a building designated as historic resource
3845 under K.C.C. chapter 20.62;

3846 d. Tasting and retail sales of products produced on-site may only occur as
3847 accessory to the primary winery, brewery, distillery production use and may be provided in
3848 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited
3849 to no more than thirty percent of the aggregated floor area and shall be included in the
3850 aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales
3851 of merchandise related to the products produced on-site is allowed subject to the restrictions
3852 described in this subsection. Hours of operation for on-site tasting of products shall be
3853 limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours
3854 shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays,
3855 tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

3856 e. Access to the site shall be directly to and from a public roadway;

3857 f. Off-street parking is limited to a maximum of one hundred fifty percent of the
3858 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

3859 g. The business operator shall obtain an adult beverage business license in
3860 accordance with K.C.C. chapter 6.74;

3861 h. Events may be allowed with an approved temporary use permit under K.C.C.
3862 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;

3863 i. At least two stages of production of wine, beer, cider or distilled spirits, such as
3864 crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
3865 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
3866 least one of the stages of production occurring on-site shall include crushing, fermenting or
3867 distilling; and

3868 j. The impervious surface associated with the winery, brewery, distillery facility
3869 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for
3870 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

3871 31.a. Limited to businesses with non-retail brewery and distillery production
3872 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
3873 tasting rooms for wineries shall not be allowed;

3874 b. Tasting and retail sale of products produced on-site and merchandise related to
3875 the products produced on-site may be provided in accordance with state law. The area
3876 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square
3877 feet;

3878 c. Structures and parking areas for brewery and distillery facility uses shall
3879 maintain a minimum distance of seventy-five feet from interior property lines adjoining

3880 rural area and residential zones, unless located in a building designated as historic resource
3881 under K.C.C. chapter 20.62;

3882 d. For brewery and distillery facility uses that do not require a conditional use
3883 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
3884 one space per fifty square feet of tasting and retail areas. For brewery and distillery facility
3885 uses that do require a conditional use permit, off-street parking maximums shall be
3886 determined through the conditional use permit process, and off-street parking for the tasting
3887 and retail areas should be limited to a maximum of one space per fifty square feet of tasting
3888 and retail areas;

3889 e. The business operator shall obtain an adult beverage business license in
3890 accordance with K.C.C. chapter 6.74; and

3891 f. Events may be allowed with an approved temporary use permit under K.C.C.
3892 chapter 21A.32.

3893 32.a. The aggregated floor area of structures and areas for winery, brewery,
3894 distillery facility uses shall not exceed one thousand five hundred square feet;

3895 b. Structures and parking areas for winery, brewery, distillery facility uses shall
3896 maintain a minimum distance of seventy-five feet from interior property lines adjoining
3897 rural area and residential zones, unless located in a building designated as historic resource
3898 under K.C.C. chapter 20.62;

3899 c. One on-site parking stall shall be allowed for the winery, brewery, distillery
3900 facility I use;

3901 d. The business operator shall obtain an adult beverage business license in
3902 accordance with K.C.C. chapter 6.74;

3903 e. At least two stages of production of wine, beer, cider or distilled spirits, such as
3904 crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
3905 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
3906 least one of the stages of production occurring on-site shall include crushing, fermenting or
3907 distilling;

3908 f. No product tasting or retail sales shall be allowed on-site;

3909 g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

3910 h. The impervious surface associated with the winery, brewery, distillery facility
3911 use shall not exceed twenty-five percent of the site or the maximum impervious surface for
3912 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

3913 33. Except leather tanning and finishing.

3914 34. Except gasoline powered motorcycles.

3915 SECTION X. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090

3916 are hereby amended to read as follows:

3917 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
		A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O	I
12	Coal Mining													
13	Oil and Gas Extraction													
AGRICULTURE:														
01	Growing and Harvesting Crops	P	P		P	P	P							P

Commented [JC247]: Scope IV.D.5 - Review code provisions for manufacturing and regional land use uses allowed in the Industrial zone ...

A leather tannery is not something appropriate for the rural industrial zones, but there are concerns with making all leather uses in SIC 31 a conditional use in the urban area. This is instead split into a Conditional Use Permit for Leather Tanneries, and then permitted for all the other SIC 31 uses.

Commented [JC248]: Per Scope IV.D.5.5. Review code provisions for manufacturing and regional land use uses allowed in the Industrial zone ...

Proposing removal of "Motor vehicle and bicycle manufacturing" definition from K.C.C. Chapter 21A.06 per the changes to the manufacturing table in this ordinance. The change in the use tables to align with SIC codes (371 and 375) and separates the two uses into their own rows with unique conditions. This condition permits all Motorcycles, Bicycles, and Parts in SIC 375, but requires a Conditional Use Permit for gasoline powered motorcycles.

2024 King County Comprehensive Plan
PUBLIC REVIEW DRAFT – June 2023

02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P24 C	P24 C		P24 C	P24 C							
*	Agricultural Support Services	P25 C	P25 C		P26 C	P26 C	P26 C		P27 C28	P27 C28			
*	((Marijuana)) Cannabis producer	P15 C22			P16 C17				P18 C19	P18 C19			
*	Agriculture Training Facility	C10											
*	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, 14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4

Commented [JC249]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

*	Farm Worker Housing	P14			P14									
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- 3918 B. Development conditions.
- 3919 1. May be further subject to K.C.C. chapter 21A.25.
- 3920 2. Only forest research conducted within an enclosed building.
- 3921 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 3922 4. Excluding housing for agricultural workers.
- 3923 5. Limited to either maintenance or storage facilities, or both, in conjunction with
- 3924 mineral extraction or processing operation.
- 3925 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 3926 7. Only in conjunction with a mineral extraction site plan approved in accordance
- 3927 with K.C.C. chapter 21A.22.
- 3928 8. Only on the same lot or same group of lots under common ownership or
- 3929 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 3930 long-term lease or an easement:
- 3931 a. as accessory to a primary mineral extraction use;
- 3932 b. as a continuation of a mineral processing only for that period to complete
- 3933 delivery of products or projects under contract at the end of a mineral extraction; or
- 3934 c. for a public works project under a temporary grading permit issued in
- 3935 accordance with K.C.C. 16.82.152.
- 3936 9. Limited to mineral extraction and processing:
- 3937 a. on a lot or group of lots under common ownership or documented legal control, which
- 3938 includes but is not limited to, fee simple ownership, a long-term lease or an easement;
- 3939 b. that are located greater than one-quarter mile from an established residence;
- 3940 and

3941 c. that do not use local access streets that abut lots developed for residential use.

3942 10. Agriculture training facilities are allowed only as an accessory to existing

3943 agricultural uses and are subject to the following conditions:

3944 a. The impervious surface associated with the agriculture training facilities shall
3945 comprise not more than ten percent of the allowable impervious surface permitted under
3946 K.C.C. 21A.12.040;

3947 b. New or the expansion of existing structures, or other site improvements, shall
3948 not be located on class 1, 2 or 3 soils;

3949 c. The director may require reuse of surplus structures to the maximum extent
3950 practical;

3951 d. The director may require the clustering of new structures with existing
3952 structures;

3953 e. New structures or other site improvements shall be set back a minimum
3954 distance of seventy-five feet from property lines adjoining rural area and residential zones;

3955 f. Bulk and design of structures shall be compatible with the architectural style of
3956 the surrounding agricultural community;

3957 g. New sewers shall not be extended to the site;

3958 h. Traffic generated shall not impede the safe and efficient movement of
3959 agricultural vehicles, nor shall it require capacity improvements to rural roads;

3960 i. Agriculture training facilities may be used to provide educational services to the
3961 surrounding rural/agricultural community or for community events. Property owners may be
3962 required to obtain a temporary use permit for community events in accordance with K.C.C.
3963 chapter 21A.32;

3964 j. Use of lodging and food service facilities shall be limited only to activities
3965 conducted in conjunction with training and education programs or community events held
3966 on site;

3967 k. Incidental uses, such as office and storage, shall be limited to those that
3968 directly support education and training activities or farm operations; and

3969 l. The King County agriculture commission shall be notified of and have an
3970 opportunity to comment upon all proposed agriculture training facilities during the permit
3971 process in accordance with K.C.C. chapter 21A.40.

3972 11. Continuation of mineral processing and asphalt/concrete mixtures and block
3973 uses after reclamation in accordance with an approved reclamation plan.

3974 12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented
3975 activities. In addition, activities that place minimal stress on the site's agricultural resources
3976 or activities that are compatible with agriculture are permitted.

- 3977 (1) passive recreation;
- 3978 (2) training of individuals who will work at the camp;
- 3979 (3) special events for families of the campers; and
- 3980 (4) agriculture education for youth.

3981 b. Outside the camp center, as provided for in subsection B.12.e. of this section,
3982 camp activities shall not preclude the use of the site for agriculture and agricultural related
3983 activities, such as the processing of local food to create value-added products and the
3984 refrigeration and storage of local agricultural products. The camp shall be managed to
3985 coexist with agriculture and agricultural activities both onsite and in the surrounding area.

3986 c. A farm plan shall be required for commercial agricultural production to ensure
3987 adherence to best management practices and soil conservation.

3988 d.(1) The minimum site area shall be five hundred acres. Unless the property
3989 owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of
3990 this section, a minimum of five hundred acres of the site must be owned by a single
3991 individual, corporation, partnership or other legal entity and must remain under the
3992 ownership of a single individual, corporation, partnership or other legal entity for the
3993 duration of the operation of the camp.

3994 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner
3995 from selling or transferring the development rights for a portion or all of the site to the King
3996 County farmland preservation program or, if the development rights are extinguished as part
3997 of the sale or transfer, to a nonprofit entity approved by the director;

3998 e. The impervious surface associated with the camp shall comprise not more than
3999 ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

4000 f. Structures for living quarters, dining facilities, medical facilities and other
4001 nonagricultural camp activities shall be located in a camp center. The camp center shall be
4002 no more than fifty acres and shall depicted on a site plan. New structures for nonagricultural
4003 camp activities shall be clustered with existing structures;

4004 g. To the extent practicable, existing structures shall be reused. The applicant
4005 shall demonstrate to the director that a new structure for nonagricultural camp activities
4006 cannot be practicably accommodated within an existing structure on the site, though cabins
4007 for campers shall be permitted only if they do not already exist on site;

4008 h. Camp facilities may be used to provide agricultural educational services to the
4009 surrounding rural and agricultural community or for community events. If required by
4010 K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
4011 community events;

4012 i. Lodging and food service facilities shall only be used for activities related to
4013 the camp or for agricultural education programs or community events held on site;

4014 j. Incidental uses, such as office and storage, shall be limited to those that directly
4015 support camp activities, farm operations or agricultural education programs;

4016 k. New nonagricultural camp structures and site improvements shall maintain a
4017 minimum set-back of seventy-five feet from property lines adjoining rural area and
4018 residential zones;

4019 l. Except for legal nonconforming structures existing as of January 1, 2007, camp
4020 facilities, such as a medical station, food service hall and activity rooms, shall be of a scale
4021 to serve overnight camp users;

4022 m. Landscaping equivalent to a type III landscaping screen, as provided for in
4023 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
4024 and site improvements located within two hundred feet of an adjacent rural area and
4025 residential zoned property not associated with the camp;

4026 n. New sewers shall not be extended to the site;

4027 o. The total number of persons staying overnight shall not exceed three hundred;

4028 p. The length of stay for any individual overnight camper, not including camp
4029 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

4030 q. Traffic generated by camp activities shall not impede the safe and efficient
4031 movement of agricultural vehicles nor shall it require capacity improvements to rural roads;

4032 r. If the site is adjacent to an arterial roadway, access to the site shall be directly
4033 onto the arterial unless the county road engineer determines that direct access is unsafe;

4034 s. If direct access to the site is via local access streets, transportation management
4035 measures shall be used to minimize adverse traffic impacts;

4036 t. Camp recreational activities shall not involve the use of motor vehicles unless
4037 the motor vehicles are part of an agricultural activity or are being used for the transportation
4038 of campers, camp personnel or the families of campers. Camp personnel may use motor
4039 vehicles for the operation and maintenance of the facility. Client-specific motorized
4040 personal mobility devices are allowed; and

4041 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
4042 light away from any adjacent property.

4043 13. Limited to digester receiving plant and animal and other organic waste from
4044 agricultural activities, and including electrical generation, as follows:

4045 a. the digester must be included as part of a Washington state Department of
4046 Agriculture approved dairy nutrient plan;

4047 b. the digester must process at least seventy percent livestock manure or other
4048 agricultural organic material from farms in the vicinity, by volume;

4049 c. imported organic waste-derived material, such as food processing waste, may
4050 be processed in the digester for the purpose of increasing methane gas production for
4051 beneficial use, but not shall exceed thirty percent of volume processed by the digester; and

4052 d. the use must be accessory to an operating dairy or livestock operation.

4053 14. Farm worker housing. Either:

4054 a. Temporary farm worker housing subject to the following conditions:

4055 (1) The housing must be licensed by the Washington state Department of
4056 Health under chapter 70.114A RCW and chapter 246-358 WAC;

4057 (2) Water supply and sewage disposal systems must be approved by the Seattle
4058 King County department of health;

4059 (3) To the maximum extent practical, the housing should be located on
4060 nonfarmable areas that are already disturbed and should not be located in the floodplain or
4061 in a critical area or critical area buffer; and

4062 (4) The property owner shall file with the department of executive services,
4063 records and licensing services division, a notice approved by the department identifying the
4064 housing as temporary farm worker housing and that the housing shall be occupied only by
4065 agricultural employees and their families while employed by the owner or operator or on a
4066 nearby farm. The notice shall run with the land; or

4067 b. Housing for agricultural employees who are employed by the owner or
4068 operator of the farm year-round as follows:

4069 (1) Not more than:

4070 (a) one agricultural employee dwelling unit on a site less than twenty acres;

4071 (b) two agricultural employee dwelling units on a site of at least twenty acres
4072 and less than fifty acres;

4073 (c) three agricultural employee dwelling units on a site of at least fifty acres
4074 and less than one-hundred acres; and

4075 (d) four agricultural employee dwelling units on a site of at least one-hundred
4076 acres, and one additional agricultural employee dwelling unit for each additional one
4077 hundred acres thereafter;

4078 (2) If the primary use of the site changes to a nonagricultural use, all agricultural
4079 employee dwelling units shall be removed;

4080 (3) The applicant shall file with the department of executive services, records
4081 and licensing services division, a notice approved by the department that identifies the
4082 agricultural employee dwelling units as accessory and that the dwelling units shall only be
4083 occupied by agricultural employees who are employed by the owner or operator year-round.
4084 The notice shall run with the land. The applicant shall submit to the department proof that
4085 the notice was filed with the department of executive services, records and licensing services
4086 division, before the department approves any permit for the construction of agricultural
4087 employee dwelling units;

4088 (4) An agricultural employee dwelling unit shall not exceed a floor area of one
4089 thousand square feet and may be occupied by no more than eight unrelated agricultural
4090 employees;

4091 (5) To the maximum extent practical, the housing should be located on
4092 nonfarmable areas that are already disturbed;

4093 (6) One off-street parking space shall be provided for each agricultural
4094 employee dwelling unit; and

4095 (7) The agricultural employee dwelling units shall be constructed in compliance
4096 with K.C.C. Title 16.

4097 15. ((Marijuana)) Cannabis production by ((marijuana)) cannabis producers
4098 licensed by the Washington state Liquor and Cannabis Board is subject to the following
4099 standards:
4100 a. Only allowed on lots of at least four and one-half acres;
4101 b. With a lighting plan, only if required by and that complies with K.C.C.
4102 21A.12.220.G.;

4103 c. Only with documentation that the operator has applied for a Puget Sound Clean
4104 Air Agency Notice of Construction Permit. All department permits issued to either
4105 ((marijuana)) cannabis producers or ((marijuana)) cannabis processors, or both, shall require
4106 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4107 ((marijuana)) cannabis products are imported onto the site;

4108 d. Production is limited to outdoor, indoor within ((marijuana)) cannabis
4109 greenhouses, and within structures that are nondwelling unit structures that exist as of
4110 October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;

4111 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
4112 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
4113 aggregated total of two thousand square feet and shall be located within a fenced area or
4114 ((marijuana)) cannabis greenhouse that is no more than ten percent larger than that
4115 combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

4116 f. Outdoor production area fencing as required by the Washington state Liquor
4117 and Cannabis Board, ((marijuana)) cannabis greenhouses and nondwelling unit structures
4118 shall maintain a minimum street setback of fifty feet and a minimum interior setback of
4119 thirty feet; and

Commented [JC250]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

4120 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
4121 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
4122 ((~~marijuana~~)) cannabis-related entity occupying space in addition to the two-thousand-
4123 square-foot threshold area on that lot shall obtain a conditional use permit as set forth in
4124 subsection B.22. of this section.

4125 16. ((~~Marijuana~~)) Cannabis production by ((~~marijuana~~)) cannabis producers
4126 licensed by the Washington state Liquor and Cannabis Board is subject to the following
4127 standards:

4128 a. ((~~Marijuana~~)) Cannabis producers in all RA zoned areas except for Vashon-
4129 Maury Island, that do not require a conditional use permit issued by King County, that
4130 receive a Washington state Liquor and Cannabis Board license business before October 1,
4131 2016, and that King County did not object to within the Washington state Liquor and
4132 Cannabis Board ((~~marijuana~~)) cannabis license application process, shall be considered
4133 nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of
4134 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

4135 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
4136 21A.12.220.G.;

4137 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
4138 Island;

4139 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
4140 except on Vashon-Maury Island;

4141 e. Only with documentation that the operator has applied for a Puget Sound Clean
4142 Air Agency Notice of Construction Permit. All department permits issued to either

Commented [JC251]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

4143 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require
4144 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4145 ((~~marijuana~~)) cannabis products are imported onto the site;

4146 f. Production is limited to outdoor, indoor within ((~~marijuana~~)) cannabis
4147 greenhouses, and within nondwelling unit structures that exist as of October 1, 2013, subject
4148 to the size limitations in subsection B.16.g. of this section; and

4149 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
4150 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
4151 aggregated total of two thousand square feet and shall be located within a fenced area or
4152 ((~~marijuana~~)) cannabis greenhouse, that is no more than ten percent larger than that
4153 combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

4154 h. Outdoor production area fencing as required by the Washington state Liquor
4155 and Cannabis Board and ((~~marijuana~~)) cannabis greenhouses shall maintain a minimum
4156 street setback of fifty feet and a minimum interior setback of one hundred feet; and a
4157 minimum setback of one hundred fifty feet from any existing residence; and

4158 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within fenced
4159 areas or ((~~marijuana~~)) cannabis greenhouses is exceeded, each and every ((~~marijuana~~))
4160 cannabis-related entity occupying space in addition to the two-thousand-square-foot
4161 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
4162 B.17. of this section.

4163 | 17. ((~~Marijuana~~)) Cannabis production by ((~~marijuana~~)) cannabis producers
4164 licensed by the Washington state Liquor and Cannabis Board is subject to the following
4165 standards:

Commented [JC252]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

- 4166 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
4167 Island;
- 4168 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
4169 except on Vashon-Maury Island;
- 4170 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
4171 21A.12.220.G.;
- 4172 d. Only with documentation that the operator has applied for a Puget Sound
4173 Clean Air Agency Notice of Construction Permit. All department permits issued to either
4174 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
4175 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4176 ~~((marijuana))~~ cannabis products are imported onto the site;
- 4177 e. Production is limited to outdoor and indoor within ~~((marijuana))~~ cannabis greenhouses
4178 subject to the size limitations in subsection B.17.f. of this section;
- 4179 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
4180 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
4181 aggregated total of thirty thousand square feet and shall be located within a fenced area or
4182 ~~((marijuana))~~ cannabis greenhouse that is no more than ten percent larger than that
4183 combined area; and
- 4184 g. Outdoor production area fencing as required by the Washington state Liquor
4185 and Cannabis Board, and ~~((marijuana))~~ cannabis greenhouses shall maintain a minimum
4186 street setback of fifty feet and a minimum interior setback of one hundred feet, and a
4187 minimum setback of one hundred fifty feet from any existing residence.

4188 18.a. Production is limited to indoor only;

Commented [JC253]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

4189 b. With a lighting plan only as required by and that complies with K.C.C.
4190 21A.12.220.G.;

4191 c. Only with documentation that the operator has applied for a Puget Sound Clean
4192 Air Agency Notice of Construction Permit. All department permits issued to either
4193 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
4194 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4195 ~~((marijuana))~~ cannabis products are imported onto the site; and

4196 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
4197 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
4198 aggregated total of two thousand square feet and shall be located within a building or tenant
4199 space that is no more than ten percent larger than the plant canopy and separately authorized
4200 processing area; and

4201 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
4202 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-
4203 square foot threshold area on that parcel shall obtain a conditional use permit as set forth in
4204 subsection B.19. of this section.

4205 19.a. Production is limited to indoor only;

4206 b. With a lighting plan only as required by and that complies with K.C.C.
4207 21A.12.220.G.;

4208 c. Only with documentation that the operator has applied for a Puget Sound Clean
4209 Air Agency Notice of Construction Permit. All department permits issued to either
4210 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require

Commented [JC254]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

4211 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4212 ~~((marijuana))~~ cannabis products are imported onto the site; and

4213 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
4214 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
4215 aggregated total of thirty thousand square feet and shall be located within a building or
4216 tenant space that is no more than ten percent larger than the plant canopy and separately
4217 authorized processing area.

4218 20.a. Production is limited to indoor only;

4219 b. With a lighting plan only as required by and that complies with K.C.C.
4220 21A.12.220.G.;

4221 c. Only with documentation that the operator has applied for a Puget Sound Clean
4222 Air Agency Notice of Construction Permit. All department permits issued to either
4223 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
4224 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4225 ~~((marijuana))~~ cannabis products are imported onto the site;

4226 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
4227 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
4228 aggregated total of two thousand square feet and shall be located within a building or tenant
4229 space that is no more than ten percent larger than the plant canopy and separately authorized
4230 processing area; and

4231 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
4232 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-

Commented [JC255]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

4233 square-foot threshold area on that lot shall obtain a conditional use permit as set forth in
4234 subsection B.21. of this section.

4235 21.a. Production is limited to indoor only;

4236 b. With a lighting plan only as required by and that complies with K.C.C.

4237 21A.12.220.G.;

4238 c. Only with documentation that the operator has applied for a Puget Sound Clean

4239 Air Agency Notice of Construction Permit. All department permits issued to either

4240 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require

4241 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before

4242 ~~((marijuana))~~ cannabis products are imported onto the site; and

4243 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any

4244 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

4245 aggregated total of thirty thousand square feet and shall be located within a building or

4246 tenant space that is no more than ten percent larger than the plant canopy and separately

4247 authorized processing area.

4248 22. ~~((Marijuana))~~ Cannabis production by ~~((marijuana))~~ cannabis producers

4249 licensed by the Washington state Liquor and Cannabis Board is subject to the following

4250 standards:

4251 a. With a lighting plan only as required by and that complies with K.C.C.

4252 21A.12.220.G.;

4253 b. Only allowed on lots of at least four and one-half acres;

4254 c. Only with documentation that the operator has applied for a Puget Sound Clean

4255 Air Agency Notice of Construction Permit. All department permits issued to either

Commented [JC256]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

Commented [JC257]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

4256 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require
4257 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4258 ((~~marijuana~~)) cannabis products are imported onto the site;

4259 d. Production is limited to outdoor, indoor within ((~~marijuana~~)) cannabis
4260 greenhouses, and within structures that are nondwelling unit structures that exist as of
4261 October 1, 2013, subject to the size limitations in subsection B.22. e. and f. of this section;

4262 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-
4263 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
4264 limited to a maximum aggregated total of five thousand square feet and shall be located
4265 within a fenced area or ((~~marijuana~~)) cannabis greenhouse that is no more than ten percent
4266 larger than that combined area, or may occur in nondwelling unit structures that exist as of
4267 October 1, 2013;

4268 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-55-
4269 010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited
4270 to a maximum aggregated total of ten thousand square feet, and shall be located within a
4271 fenced area or marijuana ((~~marijuana~~)) cannabis that is no more than ten percent larger than
4272 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
4273 2013; and

4274 g. Outdoor production area fencing as required by the Washington state Liquor
4275 and Cannabis Board, ((~~marijuana~~)) cannabis greenhouses and nondwelling unit structures
4276 shall maintain a minimum street setback of fifty feet and a minimum interior setback of one
4277 hundred feet, and a minimum setback of one hundred fifty feet from any existing residence.

4278 23. The storage and processing of non-manufactured source separated organic
4279 waste that originates from agricultural operations and that does not originate from the site,
4280 if:

- 4281 a. agricultural is the primary use of the site;
- 4282 b. the storage and processing are in accordance with best management practices
4283 included in an approved farm plan; and
- 4284 c. except for areas used for manure storage, the areas used for storage and
4285 processing do not exceed three acres and ten percent of the site.

4286 24.a. For activities relating to the processing of crops or livestock for commercial
4287 purposes, including associated activities such as warehousing, storage, including
4288 refrigeration, and other similar activities and excluding winery, brewery, distillery facility I,
4289 II, III and remote tasting room:

4290 (1) limited to agricultural products and sixty percent or more of the products
4291 processed must be grown in the Puget Sound counties. At the time of initial application, the
4292 applicant shall submit a projection of the source of products to be produced;

4293 (2) in the RA and UR zones, only allowed on sites of at least four and one-half
4294 acres;

4295 (3)(a) as a permitted use, the floor area devoted to all processing shall not
4296 exceed two thousand square feet, unless located in a building designated as an historic
4297 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
4298 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
4299 floor area as follows: up to three thousand five hundred square feet of floor area may be
4300 devoted to all processing in the RA zones or on farms less than thirty-five acres located in

4301 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the
4302 A zone; and

4303 (b) as a permitted use, the floor area devoted to all warehousing, refrigeration,
4304 storage or other similar activities shall not exceed two thousand square feet, unless located
4305 in a building designated as historic resource under K.C.C. chapter 20.62. The agricultural
4306 technical review committee, as established in K.C.C. 21A.42.300, may review and approve
4307 an increase of up to three thousand five hundred square feet of floor area devoted to all
4308 warehousing, storage, including refrigeration, or other similar activities in the RA zones or
4309 on farms less than thirty-five acres located in the A zones or up to seven thousand square
4310 feet on farms greater than thirty-five acres in the A zone;

4311 (4) in the A zone, structures and areas used for processing, warehousing,
4312 refrigeration, storage and other similar activities shall be located on portions of agricultural
4313 lands that are unsuitable for other agricultural purposes, such as areas within the already
4314 developed portion of such agricultural lands that are not available for direct agricultural
4315 production, or areas without prime agricultural soils; and

4316 (5) structures and areas used for processing, warehousing, storage, including
4317 refrigeration, and other similar activities shall maintain a minimum distance of seventy-five
4318 feet from property lines adjoining rural area and residential zones, unless located in a
4319 building designated as historic resource under K.C.C. chapter 20.62.

4320 b. For activities relating to the retail sale of agricultural products, except
4321 livestock:

4322 (1) sales shall be limited to agricultural products and locally made arts and
4323 crafts;

4324 (2) in the RA and UR zones, only allowed on sites at least four and one-half
4325 acres;

4326 (3) as a permitted use, the covered sales area shall not exceed two thousand
4327 square feet, unless located in a building designated as a historic resource under K.C.C.
4328 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
4329 21A.42.300, may review and approve an increase of up to three thousand five hundred
4330 square feet of covered sales area;

4331 (4) forty percent or more of the gross sales of agricultural product sold
4332 through the store must be sold by the producers of primary agricultural products;

4333 (5) sixty percent or more of the gross sales of agricultural products sold
4334 through the store shall be derived from products grown or produced in the Puget Sound
4335 counties. At the time of the initial application, the applicant shall submit a reasonable
4336 projection of the source of product sales;

4337 (6) tasting of products, in accordance with applicable health regulations, is
4338 allowed;

4339 (7) storage areas for agricultural products may be included in a farm store
4340 structure or in any accessory building; and

4341 (8) outside lighting is permitted if there is no off-site glare.

4342 c. Retail sales of livestock is permitted only as accessory to raising livestock.

4343 d. Farm operations, including equipment repair and related facilities, except
4344 that:

4345 (1) the repair of tools and machinery is limited to those necessary for the
4346 operation of a farm or forest;

4347 (2) in the RA and UR zones, only allowed on sites of at least four and one-
4348 half acres;

4349 (3) the size of the total repair use is limited to one percent of the farm size in
4350 the A zone, and up to one percent of the size in other zones, up to a maximum of five
4351 thousand square feet unless located within an existing farm structure, including but not
4352 limited to barns, existing as of December 31, 2003; and

4353 (4) Equipment repair shall not be permitted in the Forest zone.

4354 e. The agricultural technical review committee, as established in K.C.C.
4355 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
4356 residential zones and minimum setbacks from rural and residential zones.

4357 25. The department may review and approve establishment of agricultural support
4358 services in accordance with the code compliance review process in K.C.C. 21A.42.300 only
4359 if:

4360 a. project is sited on lands that are unsuitable for direct agricultural production
4361 based on size, soil conditions or other factors and cannot be returned to productivity by
4362 drainage maintenance; and

4363 b. the proposed use is allowed under any Farmland Preservation Program
4364 conservation easement and zoning development standards.

4365 26. The agricultural technical review committee, as established in K.C.C.
4366 21A.42.300, may review and approve establishment of agricultural support services only if
4367 the project site:

4368 a. adjoins or is within six hundred sixty feet of the agricultural production district;

4369 b. has direct vehicular access to the agricultural production district;

4370 c. except for farmworker housing, does not use local access streets that abut lots
4371 developed for residential use; and

4372 b. has a minimum lot size of four and one-half acres.

4373 27. The agricultural technical review committee, as established in K.C.C.

4374 21A.42.300, may review and approve establishment of agricultural support services only if
4375 the project site:

4376 a. is outside the urban growth area,

4377 b. adjoins or is within six hundred sixty feet of the agricultural production district,

4378 c. has direct vehicular access to the agricultural production district,

4379 d. except for farmworker housing, does not use local access streets that abut lots

4380 developed for residential use; and

4381 e. has a minimum lot size of four and one-half acres.

4382 28. Only allowed on properties that are outside the urban growth area.

4383 SECTION X. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100

4384 are hereby amended to read as follows:

4385 A. Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal		S		S	S					S		P

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	Control Facility												
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Search and Rescue Facility				C30 S30								
*	Non-hydroelectric Generation Facility	C12 S29	C12 S29	C12 S28	C12 S29	P12 S29							
*	Renewable Energy Generation Facility	C28	C28	C	C	C	C	C	C	C	C	C	C
*	Fossil Fuel Facility												S27
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
*	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						

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*	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								

4386 B. Development conditions.

4387 1. Except technical institutions. See vocational schools on general services land
4388 use table, K.C.C. 21A.08.050.

4389 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

4390 3. Except weapons armories and outdoor shooting ranges.

4391 4. Except outdoor shooting range.

4392 5. Only in conjunction with an existing or proposed school.

4393 6.a. Limited to no more than three satellite dish antennae.

4394 b. Limited to one satellite dish antenna.

4395 c. Limited to tower consolidations.

4396 7. Limited to landing field for aircraft involved in forestry or agricultural practices
4397 or for emergency landing sites.

4398 8. Except racing of motorized vehicles.

- 4399 9. Limited to wildlife exhibit.
- 4400 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 4401 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
4402 21A.32.
- 4403 12. Limited to gas extraction as an accessory use to a waste management process,
4404 such as wastewater treatment, landfill waste management, livestock manure and composting
4405 processes.
- 4406 13. Excluding impoundment of water using a dam.
- 4407 14. Limited to facilities that comply with the following:
- 4408 a. Any new diversion structure shall not:
- 4409 (1) exceed a height of eight feet as measured from the streambed; or
4410 (2) impound more than three surface acres of water at the normal maximum
4411 surface level;
- 4412 b. There shall be no active storage;
- 4413 c. The maximum water surface area at any existing dam or diversion shall not be
4414 increased;
- 4415 d. An exceedance flow of no greater than fifty percent in mainstream reach shall
4416 be maintained;
- 4417 e. Any transmission line shall be limited to a:
- 4418 (1) right-of-way of five miles or less; and
4419 (2) capacity of two hundred thirty KV or less;
- 4420 f. Any new, permanent access road shall be limited to five miles or less; and

4421 g. The facility shall only be located above any portion of the stream used by
4422 anadromous fish.

4423 15. For I-zoned sites located outside the urban growth area designated by the King
4424 County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
4425 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be prohibited.
4426 All other uses, including waste water treatment facilities, shall be subject to the provisions
4427 for rural industrial uses in K.C.C. ~~((chapter 21A.12))~~ 21A.14.280.

4428 16. The operator of such a facility shall provide verification to the department of
4429 natural resources and parks or its successor organization that the facility meets or exceeds
4430 the standards of the Animal and Plant Health Inspection Service of the United States
4431 Department of Agriculture and the accreditation guidelines of the American Zoo and
4432 Aquarium Association.

4433 17. The following provisions of the table apply only to major communication
4434 facilities. Minor communication facilities shall be reviewed in accordance with the
4435 processes and standard outlined in K.C.C. chapter 21A.27.

4436 18. Only for facilities related to resource-based research.

4437 19. Limited to work release facilities associated with natural resource-based
4438 activities.

4439 20. Limited to projects which do not require or result in an expansion of sewer
4440 service outside the urban growth area, unless a finding is made that no cost-effective
4441 alternative technologies are feasible, in which case a tightline sewer sized only to meet the
4442 needs of the school bus base and serving only the school bus base may be used. Renovation,
4443 expansion, modernization or reconstruction of a school bus base is permitted but shall not

Commented [JC258]: Scope IV.D.5
Technical correction to reflect existing intent re: Rural Industrial standards.

4444 require or result in an expansion of sewer service outside the urban growth area, unless a
4445 finding is made that no cost-effective alternative technologies are feasible, in which case a
4446 tightline sewer sized only to meet the needs of the school bus base.

4447 21. Only in conformance with the King County Site Development Plan Report,
4448 through modifications to the plan of up to ten percent are allowed for the following:

- 4449 a. building square footage;
- 4450 b. landscaping;
- 4451 c. parking;
- 4452 d. building height; or
- 4453 e. impervious surface.

4454 22. A special use permit shall be required for any modification or expansion of the
4455 King County fairgrounds facility that is not in conformance with the King County Site
4456 Development Plan Report or that exceeds the allowed modifications to the plan identified in
4457 subsection B.21. of this section.

4458 23. The facility shall be primarily devoted to rural public infrastructure
4459 maintenance and is subject to the following conditions:

- 4460 a. The minimum site area shall be ten acres, unless:
 - 4461 (1) the facility is a reuse of a public agency yard; or
 - 4462 (2) the site is separated from a county park by a street or utility right-of-way;
- 4463 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
4464 between any stockpiling or grinding operations and adjacent residential zoned property;
- 4465 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
4466 between any office and parking lots and adjacent residential zoned property;

4467 d. Access to the site does not use local access streets that abut residential zoned
4468 property, unless the facility is a reuse of a public agency yard;

4469 e. Structural setbacks from property lines shall be as follows:

4470 (1) Buildings, structures and stockpiles used in the processing of materials shall
4471 be no closer than:

4472 (a) one hundred feet from any residential zoned properties, except that the
4473 setback may be reduced to fifty feet when the grade where the building or structures are
4474 proposed is fifty feet or greater below the grade of the residential zoned property;

4475 (b) fifty feet from any other zoned property, except when adjacent to a mineral
4476 extraction or materials processing site;

4477 (c) the greater of fifty feet from the edge of any public street or the setback
4478 from residential zoned property on the far side of the street; and

4479 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall not
4480 be closer than fifty feet from any property line except when adjacent to M or F zoned
4481 property or when a reuse of an existing building. Facilities necessary to control access to the
4482 site, when demonstrated to have no practical alternative, may be located closer to the
4483 property line;

4484 f. On-site clearing, grading or excavation, excluding that necessary for required
4485 access, roadway or storm drainage facility construction, shall not be permitted within fifty
4486 feet of any property line except along any portion of the perimeter adjacent to M or F zoned
4487 property. If native vegetation is restored, temporary disturbance resulting from construction
4488 of noise attenuation features located closer than fifty feet shall be permitted; and

4489 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

4490 24. The following accessory uses to a motor race track operation are allowed if
4491 approved as part of the special use permit:

- 4492 a. motocross;
- 4493 b. autocross;
- 4494 c. skidpad;
- 4495 d. garage;
- 4496 e. driving school; and
- 4497 f. fire station.

4498 25. Regional transit authority facilities shall be exempt from setback and height
4499 requirements.

4500 26. Transit comfort facility shall:

- 4501 a. only be located outside of the urban growth area boundary;
- 4502 b. be exempt from street setback requirements; and
- 4503 c. be no more than 200 square feet in size.

4504 27.a. Required for all new, modified or expanded fossil fuel facilities.

4505 Modification or expansion includes, but is not limited to:

- 4506 (1) new uses or fuel types within existing facilities;
- 4507 (2) changes to the type of refining, manufacturing or processing;
- 4508 (3) changes in the methods or volumes of storage or transport of raw materials
4509 or processed products;
- 4510 (4) changes in the location of the facilities on-site;
- 4511 (5) replacement of existing facilities;
- 4512 (6) increases in power or water demands; or

4513 (7) increases in production capacity.

4514 b. Before filing an application with the department, the applicant shall hold a
4515 community meeting in accordance with K.C.C. 20.20.035.

4516 c. As part of permit application submittal for new, modified or expanded fossil
4517 fuel facilities, the applicant shall submit the following documentation:

4518 (1) an inventory of similar existing facilities in King County and neighboring
4519 counties, including their locations and capacities;

4520 (2) a forecast of the future needs for the facility;

4521 (3) an analysis of the potential social and economic impacts and benefits to
4522 jurisdictions and local communities receiving or surrounding the facility;

4523 (4) an analysis of alternatives to the facility, including location, conservation,
4524 demand management and other strategies;

4525 (5) an analysis of economic and environmental impacts, including mitigation, of
4526 any similar existing facilities and of any new site(s) under consideration as an alternative to
4527 expansion of an existing facility;

4528 (6) an extensive public involvement strategy which strives to effectively engage
4529 a wide range of racial, ethnic, cultural, and socio-economic groups, including communities
4530 that are the most impacted; and

4531 (7) considered evaluation of any applicable prior review conducted by a public
4532 agency, local government or ~~((stakeholder group))~~ interested party.

4533 d. As part of permit application submittal, a greenhouse gas impact analysis shall
4534 be prepared by the applicant for all proposals for new, modified, or expanded fossil fuel

Commented [JC259]: Removing references to the term "stakeholder" from the King County Code to reflect more equitable language

4535 facilities. The results of this analysis shall be used to identify and mitigate the impacts of
4536 such facilities.

4537 e. New, modified or expanded fossil fuel facilities shall:

4538 (1) not be located within one thousand feet from any schools, medical care
4539 facilities, or places of assembly that have occupancies of greater than one thousand persons;

4540 (2) not be located within two hundred fifty feet from a regulated wetland or
4541 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the
4542 buffer in K.C.C. chapter 21A.24 shall apply;

4543 (3) maintain an interior setback of at least two hundred feet;

4544 (4) store fossil fuels completely within enclosed structures, tanks or similar
4545 facilities; and

4546 (5) be accessed directly to and from an arterial roadway.

4547 28. Limited to uses that will not convert more than two acres of farmland or
4548 forestland, or 2.5 percent of the farmland or forestland, whichever is less.

4549 29.a. Before filing an application with the department, the applicant shall hold a
4550 community meeting in accordance with K.C.C. 20.20.035.

4551 b. As part of permit application submittal for non-hydroelectric generation
4552 facilities, the applicant shall submit the following documentation:

4553 (1) an inventory of similar existing facilities in King County and neighboring
4554 counties, including their locations and capacities;

4555 (2) a report demonstrating that the facility would serve a significant portion of
4556 the county, metropolitan region or is part of a statewide or national system;

4557 (3) a forecast of the future needs for the facility;

- 4558 (4) an analysis of the potential social and economic impacts and benefits to
4559 jurisdictions and local communities receiving or surrounding the facility;
- 4560 (5) an analysis of alternatives to the facility, including location, conservation,
4561 demand management and other strategies;
- 4562 (6) an analysis of economic and environmental impacts, including mitigation, of
4563 any similar existing facilities and of any new site(s) under consideration as an alternative to
4564 expansion of an existing facility;
- 4565 (7) an extensive public involvement strategy which strives to effectively engage
4566 a wide range of racial, ethnic, cultural and socioeconomic groups, including communities
4567 that are the most impacted; and
- 4568 (8) considered evaluation of any applicable prior review conducted by a public
4569 agency, local government or ~~((stakeholder group))~~ interested party.
- 4570 c. As part of permit application submittal, a greenhouse gas impact analysis shall
4571 be prepared by the applicant. The results of this analysis shall be used to identify and
4572 mitigate the impacts of such facilities.
- 4573 30.a. For all search and rescue facilities:
- 4574 (1) the minimum lot size is four and one half acres;
- 4575 (2) structures and parking areas for search and rescue facilities shall maintain a
4576 minimum distance of seventy-five feet from interior lot lines that adjoin rural area and
4577 residential zones, unless located in a building designated as historic resource under K.C.C.
4578 chapter 20.62;
- 4579 (3) use of the search and rescue facility is limited to activities directly relating to
4580 the search and rescue organization, except that the facility may be used by law enforcement

Commented [JC260]: Removing references to the term "stakeholder" from the King County Code to reflect more equitable language

4581 and other public emergency responders for training and operations related to search and
4582 rescue activities; and

4583 (4) the applicant must demonstrate the absence of existing search and rescue
4584 facilities that are adequate to conduct search and rescue operations in the rural area.

4585 b. A special use permit is required when helicopter fueling, maintenance or
4586 storage is proposed.

4587 SECTION X. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030
4588 are hereby amended to read as follows:

4589 A. Densities and dimensions - residential and rural zones.

STANDARDS	RURAL				RESIDENTIAL								
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15) (28)	0.2 du/a c	0.2 du/a c	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ ac	4 du/ ac	6 du/ac	8 du/ac	12 du/a c	18 du/a c	24 du/a c	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a c (20)						6 du/ ac (22) 8 du/ ac (27)	9 du/ac 12 du/ac (27)	12 du/ac (27)	18 du/a c (27)	27 du/a c (27)	36 du/a c (27)	72 du/ac 96 du/ac (27)
Minimum Density: (2)							85% (12) (18) (22))	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)

Commented [JC261]: To reflect relocation of minimum density requirements for Fall City; see comment on condition B.23 below.

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Minimum Lot Area (13)	1.87 5 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 <u>55 ft</u> (30)	30 ft <u>55 ft</u> (30)	30 ft <u>55 ft</u> (30)	30 ft <u>55 ft</u> (30)	30 ft <u>55 ft</u> (30)	30 ft <u>55 ft</u> (30)	30 ft <u>55 ft</u> (30)
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	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)	5 ft (29)	5 ft	5 ft	5 ft <u>35</u> <u>36</u>	5 ft <u>35</u> <u>36</u>	5 ft <u>35</u> <u>36</u>	5 ft <u>35</u> <u>36</u>
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25a)	35 ft (25a)	35 ft (25a)	60 ft	60 ft	60 ft	60 ft
Maximum Height (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft <u>35 ft</u> (34)	30 ft (25b)	45 ft (14)	45 ft (14)	75 ft (4)	75 ft (4)	75 ft <u>35 ft</u> (34)	75 ft (4)
Maximum Impervious Surface: Percentage (5)	25 % (11) (19)	20 % (11) (19)	15% (11) (19) (24)	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)

Commented [JC262]: Scope II.C.1
As part of middle housing changes, sets different standards for duplexes, triplexes, and fourplexes
Based on the code research among other jurisdictions and literature reviews, these standards, along with new maximum building width and depth below, would be helpful to confine more desirable products, and ensure the duplexes/triplexes/fourplexes to be compatible with the existing single family residential neighborhood characteristics.

Commented [JC263]: Establishes setback conditions for emergency housing uses
Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC264]: Scope II.C.1
As part of middle housing, new condition limiting heights to 35 ft for duplexes, triplexes, and fourplexes ensures large houses, out of scale with existing single family residential neighborhoods are not constructed in the R1-R12 zones.

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	(26)	(26)	(26)										
Maximum						55 ft							
Building Width						(30)	(30)	(30)	(30)	(30)	(30)	(30)	(30)
						(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)
						(33)	(33)	(33)	(33)	(33)	(33)	(33)	(33)
						40 ft							
						(32)	(32)	(32)	(32)	(32)	(32)	(32)	(32)
Maximum					60 ft	55 ft	55 ft	55 ft					
Building Depth						(30)	(30)	(30)	(30)	(30)	(30)	(30)	(30)
						(31)	(31)	(31)	(31)	(31)	(31)	(31)	(31)
						(33)	(33)	(33)	(33)	(33)	(33)	(33)	(33)
						55 ft	40 ft	40 ft	40 ft				
						(32)	(32)	(32)	(32)	(32)	(32)	(32)	(32)

Commented [JC265]: Scope II.C.1
As part of middle housing changes, creates new minimum building width and depth standards for duplexes, triplexes, and fourplexes
Based on the code research among other jurisdictions and literature reviews, these standards, along with new maximum building width and depth below, would be helpful to confine more desirable products, and ensure the duplexes/triplexes/fourplexes to be compatible with the existing single family residential neighborhood characteristics.

4590 B. Development conditions.

4591 1. This maximum density may be achieved only through the application of:

4592 a. ~~((residential density incentives in accordance with K.C.C. chapter 21A.34~~
4593 ~~or))~~ transfers of development rights in accordance with K.C.C. chapter 21A.37(~~or any~~
4594 ~~combination of density incentive or density transfer))~~, except for properties within the

4595 Skyway-West Hill or North Highline community service area subarea geographies; or

4596 b. ~~((For properties within the Skyway West Hill or North Highline community~~
4597 ~~service area subarea geographies, only as provided in the))~~ inclusionary housing
4598 regulations in accordance with K.C.C. chapter 21A.48.

4599 2. Also see K.C.C. 21A.12.060.

4600 3. These standards may be modified under the provisions for zero-lot-line and
4601 townhouse developments.

4602 4.a. Portions of a structure may exceed the base height if one additional foot of
4603 street and interior setback is provided for each foot above the base height. The following
4604 restrictions apply:

Commented [JC266]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program
As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

Commented [JC267]: Still excluding non-Inclusionary Housing Transfer of Development Right use in Skyway and North Highline consistent with existing requirements

4605 (1) for netting or fencing and support structures for the netting or fencing
4606 used to contain golf balls in the operation of golf courses or golf driving ranges, the
4607 maximum height shall not exceed seventy-five feet, except for recreation or multiuse
4608 parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a
4609 golf ball trajectory study requires a higher fence. All such netting, fencing and support
4610 structures are exempt from the additional interior setback requirement, regardless of
4611 whether located in a recreation or multiuse park;

4612 (2) properties ~~((within the Skyway West Hill or North Highline community~~
4613 ~~service area subarea geographies))~~ with inclusionary housing developed in accordance
4614 with K.C.C. chapter 21A.48 shall not increase height through this method; and

4615 (3) for all other structures, the maximum height achieved through this method
4616 shall not exceed seventy-five feet.

4617 b. Accessory dwelling units and accessory living quarters shall not exceed base
4618 heights, except that this requirement shall not apply to accessory dwelling units
4619 constructed wholly within an existing dwelling unit.

4620 5. Applies to each individual lot. Impervious surface area standards for:

4621 a. Regional uses shall be established at the time of permit review;

4622 b. Nonresidential uses in rural area and residential zones shall comply with
4623 K.C.C. 21A.12.120 and 21A.12.220;

4624 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
4625 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
4626 comparable R-6 or R-8 zone; and

4627 d. A lot may be increased beyond the total amount permitted in this chapter

Commented [JC268]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

4628 subject to approval of a conditional use permit.

4629 6. Mobile home parks shall be allowed a base density of six dwelling units per
4630 acre.

4631 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
4632 square feet in area.

4633 8. At least twenty linear feet of driveway shall be provided between any garage,
4634 carport or other fenced parking area and the street property line. The linear distance shall
4635 be measured along the center line of the driveway from the access point to such garage,
4636 carport or fenced area to the street property line.

4637 9.a. Residences shall have a setback of at least one hundred feet from any
4638 property line adjoining A, M or F zones or existing extractive operations. However,
4639 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
4640 existing extractive operations shall have a setback from the rear property line equal to
4641 fifty percent of the lot width and a setback from the side property equal to twenty-five
4642 percent of the lot width.

4643 b. Except for residences along a property line adjoining A, M or F zones or
4644 existing extractive operations, lots between one acre and two and one-half acres in size
4645 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
4646 to the requirements of the R-4 zone.

4647 10.a. For developments consisting of three or more single-detached dwellings
4648 located on a single parcel, the setback shall be ten feet along any property line abutting
4649 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
4650 K.C.C. 21A.14.190, which shall have a setback of five feet.

4651 b. For townhouse and apartment development, the setback shall be twenty feet
4652 along any property line abutting R-1 through R-8, RA and UR zones, except for
4653 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
4654 of five feet, unless the townhouse or apartment development is adjacent to property upon
4655 which an existing townhouse or apartment development is located.

4656 11. Lots smaller than one-half acre in area shall comply with standards of the
4657 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
4658 larger, the maximum impervious surface area allowed shall be at least ten thousand
4659 square feet. On any lot over one acre in area, an additional five percent of the lot area
4660 may be used for buildings related to agricultural or forestry practices. For lots smaller
4661 than two acres but larger than one-half acre, an additional ten percent of the lot area may
4662 be used for structures that are determined to be medically necessary, if the applicant
4663 submits with the permit application a notarized affidavit, conforming with K.C.C.
4664 21A.32.170A.2.

4665 12. For purposes of calculating minimum density, the applicant may request that
4666 the minimum density factor be modified based upon the weighted average slope of the
4667 net buildable area of the site in accordance with K.C.C. 21A.12.087.

4668 13. The minimum lot area does not apply to lot clustering proposals as provided
4669 in K.C.C. chapter 21A.14.

4670 14. This maximum height is only allowed as follows:

4671 a. in R-6 and R-8 zones, for a building with a footprint built on slopes
4672 exceeding a fifteen percent finished grade; and

4673 b. in R-18, R-24 and R-48 zones, only through application of:

4674 (1) ~~((for properties within the Skyway West Hill or North Highline~~
4675 ~~community service area subarea geographies, only if meeting the requirements of))~~
4676 inclusionary housing regulations in accordance with K.C.C. chapter 21A.48; or
4677 (2) ~~((for all other properties, using residential density incentives and))~~ transfer
4678 of ~~((density credits))~~ development rights in accordance with ~~((this title))~~ K.C.C. chapter
4679 21A.37, except for properties within the Skyway-West Hill or North Highline community
4680 service area subarea geographies.

Commented [JC269]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

Commented [JC270]: Still excluding non-Inclusionary Housing Transfer of Development Rights use in Skyway and North Highline, consistent with existing requirements

- 4681 15. Density applies only to dwelling units and not to sleeping units.
- 4682 16. Vehicle access points from garages, carports or fenced parking areas shall
4683 be set back from the property line on which a joint use driveway is located to provide a
4684 straight line length of at least twenty-six feet as measured from the center line of the
4685 garage, carport or fenced parking area, from the access point to the opposite side of the
4686 joint use driveway.
- 4687 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
4688 be clustered if the property is located within or contains:
- 4689 (1) a floodplain;
 - 4690 (2) a critical aquifer recharge area;
 - 4691 (3) a regionally or locally significant resource area;
 - 4692 (4) existing or planned public parks or trails, or connections to such facilities;
 - 4693 (5) a category type S or F aquatic area or category I or II wetland;
 - 4694 (6) a steep slope; or
 - 4695 (7) an urban separator or wildlife habitat network designated by the
4696 Comprehensive Plan or a community plan.

4697 b. The development shall be clustered away from critical areas or the axis of
4698 designated corridors such as urban separators or the wildlife habitat network to the extent
4699 possible and the open space shall be placed in a separate tract that includes at least fifty
4700 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
4701 homeowner's association or other suitable organization, as determined by the director,
4702 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
4703 designated urban separators shall be placed within the open space tract to the extent
4704 possible. Passive recreation, with no development of recreational facilities, and natural-
4705 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

4706 18. See K.C.C. 21A.12.085.

4707 19. All subdivisions and short subdivisions in R-1 and RA zones within the
4708 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
4709 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
4710 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
4711 Sammamish Community Planning Area that drains to Patterson Creek shall have a
4712 maximum impervious surface area of eight percent of the gross acreage of the plat.
4713 Distribution of the allowable impervious area among the platted lots shall be recorded on
4714 the face of the plat. Impervious surface of roads need not be counted towards the
4715 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
4716 more restrictive shall be required.

4717 20. This density may only be achieved on RA 2.5 zoned parcels receiving
4718 density from rural forest focus areas through a transfer of density credit pursuant to
4719 K.C.C. chapter 21A.37.

4720 21. Base density may be exceeded, if the property is located in a designated
4721 ~~((rural city u))~~Urban ~~((g))~~Growth ~~((a))~~Area for Cities in the Rural Area and each
4722 proposed lot contains an occupied legal residence that predates 1959.

Commented [JC271]: To align with 2016 "rural area" terminology changes and current terminology in the Comprehensive Plan

4723 22.~~((a. The maximum density is four dwelling units per acre for properties~~
4724 ~~zoned R-4 when located in the Rural Town of Fall City.~~

Commented [JC272]: Maximum density in Fall City proposed to be addressed with other density and dimension standards in a new proposed p-suffix condition for all residential zoned properties in the Rural Town. The maximum density of four dwelling units per acre for properties zoned R-4 is not changing; just the placement of where the standard is adopted is.

4725 b.~~For properties within the Skyway West Hill or North Highline community~~
4726 ~~service area subarea geographies, e))~~Only as provided in the inclusionary housing
4727 regulations in K.C.C. chapter 21A.48.

Commented [JC273]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

4728 23. ~~((The minimum density requirement does not apply to properties located~~
4729 ~~within the Rural Town of Fall City.))~~ Repealed

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

4730 24. The impervious surface standards for the county fairground facility are
4731 established in the King County Fairgrounds Site Development Plan, Attachment A to
4732 Ordinance 14808 on file at the department of natural resources and parks and the
4733 department of local services, permitting division. Modifications to that standard may be
4734 allowed provided the square footage does not exceed the approved impervious surface
4735 square footage established in the King County Fairgrounds Site Development Plan
4736 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,
4737 by more than ten percent.

Commented [JC274]: Minimum density in Fall City proposed to be addressed with other density and dimension standards in a new proposed p-suffix condition for all residential zoned properties in the Rural Town. There will continue to be no required minimum density; just the placement of where the standard is adopted is changing.

4738 25. For cottage housing developments only:

4739 a. The base height is twenty-five feet.

4740 b. Buildings that have pitched roofs with a minimum slope of six over twelve
4741 may achieve a maximum height of thirty feet at the ridge of the roof.

4742 26. Impervious surface does not include access easements serving neighboring

4743 property and driveways to the extent that they extend beyond the street setback due to
4744 location within an access panhandle or due to the application of King County Code
4745 requirements to locate features over which the applicant does not have control.

4746 27. a. For properties within the Skyway-West Hill or North Highline
4747 community service area subarea geographies, only in accordance with the inclusionary
4748 housing regulations in K.C.C. chapter 21A.48.

4749 b. For all other properties, only for:

4750 (1) an inclusionary housing project where one hundred percent of the units
4751 are affordable in accordance with ~~((K.C.C. 21A.34.040.F.1.g., F.6.))~~ with K.C.C. chapter
4752 21A.48; or

4753 (2) a project using the transfer of development rights affordable housing pilot
4754 program in accordance with K.C.C. 21A.37.130.A.2.!! except for properties within the
4755 Skyway-West Hill or North Highline community service area subarea geographies.

4756 28. On a site zoned RA with a building listed ~~((#))~~ in the ~~((#))~~ National
4757 ~~((#))~~ Register of ~~((#))~~ Historic ~~((#))~~ Places, additional dwelling units in excess of the
4758 maximum density may be allowed under K.C.C. 21A.12.042.

4759 29. Height and setback requirements shall not apply to regional transit authority
4760 facilities.

4761 30. For duplexes where the units are located side-by-side.

4762 31. For duplexes where the units are stacked on top of each other.

4763 32. For triplexes.

4764 33. For fourplexes.

4765 34.a. For duplexes, triplexes or fourplexes.

Commented [JC275]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

In this case, the previous allowance outside of Skyway and North Highline was for RDI projects that were 100% affordable. This change continues that intent by not giving a blanket allowance to any Inclusionary Housing projects in the county.

Commented [JC276]: For clarity to reflect existing intent

Commented [JC277]: Still excluding non-Inclusionary Housing Transfer of Development Rights use in Skyway and North Highline, consistent with existing requirements

4766 b. For properties in Vashon Rural Town developed under K.C.C. chapter
4767 21A.48.

4768 35. A micro-modular shelter village site must be buffered from surrounding
4769 properties with:

4770 a. A minimum ten-foot setback from the boundary of the lot on which the
4771 village is located, excluding access;

4772 b. Vegetation meeting the criteria of a Type II landscaping screen described in
4773 K.C.C. 21A.16.040.B; or

4774 c. A six-foot high, view obscuring fence.

4775 36. A safe parking site shall be setback at least ten feet from adjacent residential
4776 uses and R zoned properties.

4777 SECTION X. Ordinance 10870, Section 341, as amended, and K.C.C.
4778 21A.12.040 are hereby amended to read as follows:

4779 A. Densities and dimensions - resource and commercial/industrial zones.

STANDARD S	RESOURCE				COMMERCIAL/INDUSTRIAL				
	A-10	A-35	F	M	NB	CB	RB	O	I
Base Density:	0.1	.0286	.0125		8 du/ac	48 du/ac	36 du/ac	48	
Dwelling Unit/Acre (19)	du/ac	du/ac	du/ac		(2) 1 du (21)	(2)	(2) 48 du/ac (1)	du/ac (2)	
Maximum Density:					12 du/ac (3)	72 du/ac (16)	48 du/ac (3)	72 du/ac	
Dwelling Unit/Acre					16 du/ac (15)	96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	(16) 96 du/ac (17)	

Commented [JC278]: Scope II.C.1

As part of middle housing changes, creates new minimum building width and depth standards for duplexes, triplexes, and fourplexes

Based on the code research among other jurisdictions and literature reviews, these standards, along with new maximum building width and depth below, would be helpful to confine more desirable products, and ensure the duplexes/triplexes/fourplexes to be compatible with the existing single family residential neighborhood characteristics.

Commented [JC279]: Establishes setback conditions for emergency housing uses

Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC280]: To reflect existing intent of the Residential land use tables in K.C.C. 21A.08.030, which allows the construction of a single-detached home in the NB zone, subject to conditions.

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Minimum Lot Area	10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5) (22)	10 ft (5) (22)	10 ft (22)	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (14)	20 ft (7) (22) (23)	20 ft (7) (22) (23)	20 ft (7) (22) (23)	20 ft (7) 50 ft (8)
Base Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft	45 ft
Maximum Height	75 ft (10)	75 ft (10)	75 ft (10)	75 ft (10)	45 ft (6) 65 ft (20) 75 ft (10)	60 ft (6) 65 ft (17) 75 ft (10) 80 ft (20)	65 ft (6) 75 ft (10) 85 ft (20)	65 ft (6) 75 ft (10) 85 ft (20)	75 ft (10)
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15%	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

Commented [JC281]: Establishes setback conditions for emergency housing uses

Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

4780

B. Development conditions.

4781

1. ~~(In the RB zone on property located within the Potential Annexation Area of~~

Commented [JC282]: All RB zoned properties for Potential Annexation Areas for rural cities have been annexed.

4782 ~~a rural city, this density is not allowed.~~

4783 2.) These densities are allowed only in the urban area and rural towns through
4784 the application of mixed-use development standards and, in the NB zone on property in
4785 the urban area designated commercial outside of center, for stand-alone townhouse
4786 development.

4787 3. These densities may only be achieved:

4788 a. ~~((for properties within the Skyway West Hill or North Highline community~~
4789 ~~service area subarea geographies,))~~ as provided in the inclusionary housing regulations in
4790 K.C.C. chapter 21A.48; or

4791 b. ~~((for all other properties,))~~ through the application of ~~((residential density~~
4792 ~~incentives or))~~ transfer of development rights in mixed-use developments in the urban
4793 area or rural towns in accordance with K.C.C. chapter 21A.37, except for properties
4794 within the Skyway-West Hill or North Highline community service area subarea
4795 geographies; ((and,)) or

4796 c. in the NB zone on property in the urban area designated commercial outside
4797 of center, for stand-alone townhouse development. ~~((See K.C.C. chapters 21A.34 and~~
4798 ~~21A.37.))~~

4799 4.a. in the F zone, scaling stations may be located thirty-five feet from property
4800 lines. Residences shall have a setback of at least thirty feet from all property lines.

4801 b. for lots between one acre and two and one-half acres in size, the setback
4802 requirements of the R-1 zone shall apply. For lots under one acre, the setback
4803 requirements of the R-4 zone shall apply.

4804 c. for developments consisting of three or more single-detached dwellings

Commented [JC283]: To reflect other changes that disallow mixed use developments on properties in the Rural Area, except for in Rural Towns.

Commented [JC284]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

Commented [JC285]: Disallows mixed use developments on properties in the Rural Area, except for in Rural Towns. This applies to commercial zoned properties, which is used in both urban and rural areas. Multifamily housing (apartments, townhouses, and group residences) is also allowed if part of a mixed-use development. The allowed residential densities of these developments range from eight to 96 dwelling units per acre, regardless of whether the property is in the urban or rural area. As directed by the Growth Management Act and the Comprehensive Plan, these are urban levels of development that are not appropriate for the Rural Area, where the general growth pattern and established density limits range from one home per 2.5 to 10 acres (depending on the applicable rural zoning classification).

Commented [JC286]: For clarity to reflect existing intent

Commented [JC287]: Still excluding non-Inclusionary Housing Transfer of Development Rights use in Skyway and North Highline, consistent with existing requirements

4805 located on a single parcel, the setback shall be ten feet along any property line abutting
4806 R-1 through R-8, RA and UR zones.

4807 5. Gas station pump islands shall be placed no closer than twenty-five feet to
4808 street front lines.

4809 6. This maximum height allowed only for:

4810 a. mixed-use developments; and

4811 b. stand-alone townhouse development in the NB zone on property designated
4812 commercial outside of center in the urban area.

4813 7. Required on property lines adjoining rural area and residential zones.

4814 8. Required on property lines adjoining rural area and residential zones for
4815 industrial uses established by conditional use permits.

4816 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
4817 chapter 21A.14 or the requirements of K.C.C. chapter 21A.48.

4818 10. Portions of a structure may exceed the base height if one additional foot of
4819 street and interior setback is provided for each foot above the base height. The following
4820 restrictions apply:

4821 a. for netting or fencing and support structures for the netting or fencing used
4822 to contain golf balls in the operation of golf courses or golf driving ranges, the maximum
4823 height shall not exceed seventy-five feet. All such netting, fencing and support structures
4824 are exempt from the additional interior setback requirement;

4825 b. properties ~~((within the Skyway West Hill or North Highline community~~
4826 ~~service area subarea planning geographies))~~ with inclusionary housing developed in
4827 accordance with K.C.C. chapter 21A.48 shall not increase height through this method;

Commented [JC288]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition

4828 and

4829 ~~((e. mixed use developments outside the Skyway West Hill or North Highline~~
4830 ~~community service subarea geographies are not subject to a height restriction when using~~
4831 ~~this method; and))~~

4832 d. for all other structures, the maximum height achieved through this method
4833 shall not exceed seventy-five feet.

4834 11. Applicable only to lots containing less than one acre of lot area.

4835 Development on lots containing less than fifteen thousand square feet of lot area shall be
4836 governed by impervious surface standards of the nearest comparable R-4 through R-8
4837 zone.

4838 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

4839 13. The impervious surface area for any lot may be increased beyond the total
4840 amount permitted in this chapter subject to approval of a conditional use permit.

4841 14. Required on property lines adjoining rural area and residential zones unless
4842 a stand-alone townhouse development on property designated commercial outside of
4843 center in the urban area is proposed to be located adjacent to property upon which an
4844 existing townhouse development is located.

4845 15.a. For properties within the Skyway-West Hill or North Highline community
4846 service area subarea geographies, only as provided in the inclusionary housing
4847 regulations in K.C.C. chapter 21A.48.

4848 b. For all other properties, only ~~((as provided for walkable communities under~~
4849 ~~K.C.C. 21A.34.040.F.8. well served by transit or))~~ for a mixed-use ~~((development~~
4850 ~~through the application of rural area and residential density incentives under K.C.C.~~

Commented [JC289]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

In this case, the previous allowance outside of Skyway and North Highline was for RDI projects that were 100% affordable and mixed-use. This change continues that intent by not giving a blanket allowance to any Inclusionary Housing projects in the county.

4851 21A.34.040.F.1.g.)) inclusionary housing project where one hundred percent of the units
4852 are affordable in accordance with K.C.C. chapter 21A.48.

4853 16.a. For properties within the Skyway-West Hill or North Highline community
4854 service area subarea geographies, only as provided in the inclusionary housing
4855 regulations in K.C.C. chapter 21A.48.

4856 b. For all other properties, only for mixed-use development through the
4857 application of ~~((residential density incentives under K.C.C. chapter 21A.34))~~ inclusionary
4858 housing regulations in accordance with K.C.C. chapter 21A.48 or the transfer of
4859 development rights ~~((under))~~ in urban areas and rural towns in accordance with K.C.C.
4860 chapter 21A.37.

4861 ~~((In the RB zone on property located within the Potential Annexation Area of a~~
4862 ~~rural city, this density is not allowed.))~~

4863 17.a. For properties within the Skyway-West Hill or North Highline community
4864 service area subarea geographies, only as provided in the inclusionary housing
4865 regulations in K.C.C. chapter 21A.48.

4866 b. For properties in Snoqualmie Pass Rural Town developed under K.C.C.
4867 chapter 21A.48 or K.C.C. 21A.55.125.

4868 c. For all other properties, only for mixed-use development through the
4869 application of ~~((residential density incentives under K.C.C. chapter 21A.34))~~ inclusionary
4870 housing regulations in accordance with K.C.C. chapter 21A.48 or the transfer of
4871 development rights ~~((under))~~ in urban areas and rural towns in accordance with K.C.C.
4872 chapter 21A.37. Upper-level setbacks are required for any facade facing a pedestrian
4873 street for any portion of the structure greater than forty-five feet in height. The upper-

Commented [JC290]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

In this case, the previous allowance outside of Skyway and North Highline was for RDI projects that were mixed-use. This change continues that intent by not giving a blanket allowance to any Inclusionary Housing projects in the county.

Commented [JC291]: Disallows mixed use developments on properties in the Rural Area, except for in Rural Towns. This applies to commercial zoned properties, which is used in both urban and rural areas. Multifamily housing (apartments, townhouses, and group residences) is also allowed if part of a mixed-use development. The allowed residential densities of these developments range from eight to 96 dwelling units per acre, regardless of whether the property is in the urban or rural area. As directed by the Growth Management Act and the Comprehensive Plan, those are urban levels of development that are not appropriate for the Rural Area, where the general growth pattern and established density limits range from one home per 2.5 to 10 acres (depending on the applicable rural zoning classification).

Commented [JC292]: All RB zoned properties for Potential Annexation Areas for rural cities have been annexed.

Commented [JC293]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

In this case, the previous allowance outside of Skyway and North Highline was for RDI projects that were mixed-use. This change continues that intent by not giving a blanket allowance to any Inclusionary Housing projects in the county.

Commented [JC294]: Disallows mixed use developments on properties in the Rural Area, except for in Rural Towns. This applies to commercial zoned properties, which is used in both urban and rural areas. Multifamily housing (apartments, townhouses, and group residences) is also allowed if part of a mixed-use development. The allowed residential densities of these developments range from eight to 96 dwelling units per acre, regardless of whether the property is in the urban or rural area. As directed by the Growth Management Act and the Comprehensive Plan, those are urban levels of development that are not appropriate for the Rural Area, where the general growth pattern and established density limits range from one home per 2.5 to 10 acres (depending on the applicable rural zoning classification).

Commented [JC295]: Clarifying to reflect existing intent

4874 level setback shall be at least one foot for every two feet of height above forty-five feet,
4875 up to a maximum required setback of fifteen feet. The first four feet of horizontal
4876 projection of decks, balconies with open railings, eaves, cornices and gutters shall be
4877 permitted in required setbacks.

4878 d. In the RB zone on property located within the ~~((Potential Annexation Area~~
4879 ~~of a rural city))~~ Urban Growth Area for Cities in the Rural Area, this density is not
4880 allowed.

4881 18. Required on property lines adjoining rural area and residential zones only
4882 for a social service agency office reusing a residential structure in existence on January 1,
4883 2010.

4884 19. On a site zoned A with a building designated as a county landmark in
4885 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess
4886 of the maximum density may be allowed under K.C.C. 21A.12.042.

4887 20. This maximum height allowed only for properties ~~((within the Skyway West~~
4888 ~~Hill or North Highline community service area subarea geographies, if meeting the~~
4889 ~~requirements of))~~ with inclusionary housing developed in accordance with K.C.C.
4890 chapter 21A.48.

4891 21. Only when consistent with 21A.08.030.B.16.

4892 22. A micro-modular shelter village site must be buffered from surrounding
4893 properties with:

4894 a. A minimum ten-foot setback from the boundary of the lot on which the
4895 village is located, excluding access;

4896 b. Vegetation meeting the criteria of a Type II landscaping screen described in

Commented [JC296]: To align with 2016 "rural area" terminology changes and current terminology in the Comprehensive Plan

Commented [JC297]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

Commented [JC298]: To reflect existing intent of the Residential land use tables in K.C.C. 21A.08.030, which allows the construction of a single-detached home in the NB zone, subject to conditions.

4897 K.C.C. 21A.16.040.B; or

4898 c. A six-foot high, view obscuring fence.

4899 23. A safe parking site shall be setback at least ten feet from adjacent residential
4900 uses and R zoned properties.

4901 SECTION X. Ordinance 10870, Section 342, as amended, and K.C.C.

4902 21A.12.050 are hereby amended to read as follows:

4903 The following provisions shall be used to determine compliance with this title:

4904 A. Street setbacks shall be measured from the existing edge of a street right-of-
4905 way or temporary turnaround, except as provided by K.C.C. 21A.12.150;

4906 B. Lot widths shall be measured by scaling a circle of the applicable diameter
4907 within the boundaries of the lot, provided that an access easement shall not be included
4908 within the circle;

4909 C. Building height shall be measured from the average finished grade to the
4910 highest point of the roof. The average finished grade shall be determined by first
4911 delineating the smallest square or rectangle which can enclose the building and then
4912 averaging the elevations taken at the midpoint of each side of the square or rectangle,
4913 provided that the measured elevations do not include berms;

4914 D. Lot area shall be the total horizontal land area contained within the boundaries
4915 of a lot; ~~(and)~~

4916 E. Impervious surface calculations shall not include areas of turf, landscaping,
4917 natural vegetation or flow control or water quality treatment facilities;

4918 F. Building depth shall be measured by horizontal distance between the front wall
4919 and the rear wall of the building; and

Commented [JC299]: Establishes setback conditions for emergency housing uses

Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC300]: Scope II.C.1

As part of middle housing changes, creates new minimum building width and depth standards for duplexes, triplexes, and fourplexes

4920 G. Building width shall be measured as the total horizontal distance between the
4921 outermost edges of the building, wall, or walls generally facing a private or public road.

Commented [JC301]: Scope II.C.1

As part of middle housing changes, creates new minimum building width and depth standards for duplexes, triplexes, and fourplexes

4922 SECTION X. Ordinance 10870, Section 344, as amended, and K.C.C.

4923 21A.12.070 are hereby amended to read as follows:

4924 Permitted number of units, or lots or floor area shall be determined as follows:

4925 A. The allowed number of dwelling units or lots (base density) shall be computed
4926 by multiplying the site area specified in K.C.C. 21A.12.080 by the applicable residential
4927 base density number;

4928 B. The maximum density (unit or lot) limits shall be computed by adding the
4929 bonus or transfer units authorized by K.C.C. chapters ~~((21A.34,))~~ 21A.37 and 21A.48 to
4930 the base units computed under subsection A of this section;

4931 C. The allowed floor area, which excludes structured or underground parking
4932 areas and areas housing mechanical equipment, shall be computed by applying the floor-
4933 to-lot area ratio to the project site area specified in K.C.C. 21A.12.080;

4934 D. If calculations result in a fraction, the fraction shall be rounded to the nearest
4935 whole number as follows, except as provided in subsection E of this section and K.C.C.
4936 21A.48.050:

- 4937 1. Fractions of 0.50 or above shall be rounded up; and
- 4938 2. Fractions below 0.50 shall be rounded down; and

4939 E. For subdivisions and short subdivisions in the RA and A zones, rounding up of
4940 the number of development units or lots is not allowed.

4941 SECTION X. Ordinance 10870, Section 357, as amended, and K.C.C. 21A.12.200
4942 are hereby amended to read as follows:

Commented [JC302]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

4943 When a lot or site is divided by a zone boundary, the following applies:

4944 A. If a lot or site contains both rural area or residential and nonresidential zoning,
4945 the zone boundary between the rural area or residential zone and the nonresidential zone
4946 shall be considered a lot line for determining permitted building height and required
4947 setbacks on the site.

4948 B. If a lot or site contains residential zones of varying density:

4949 1. Any residential density transfer within the lot or site shall be allowed if:

4950 a. the density, as a result of moving dwelling units from one lot to another lot
4951 within a site or across zone lines within a single lot, does not exceed one hundred fifty
4952 percent of the base density on any of the lots or portions of a lot to which the density is
4953 transferred;

4954 b. the transfer does not reduce the minimum density achievable on the lot or site;

4955 c. the transfer enhances the efficient use of needed infrastructure;

4956 d. the transfer does not result in significant adverse impacts to the low density
4957 portion of the lot or site;

4958 e. the transfer contributes to preservation of environmentally sensitive areas,
4959 wildlife corridors, or other natural features; and

4960 f. the transfer does not result in significant adverse impacts to adjoining lower
4961 density properties;

4962 2. Residential density transfers from one lot to another lot within a site or from one
4963 portion of a lot to another portion of a lot across a zone line shall not be allowed in the RA
4964 zone;

4965 3. Residential density transfers shall not be allowed to a lot or portion of a lot
4966 zoned R-1;

4967 4. Compliance with the criteria in this subsection B shall be evaluated during
4968 review of any development proposals in which such a transfer is proposed; and

4969 ~~((5. Residential density transfers from one lot to another lot within a site or from
4970 one portion of a lot to another portion of a lot across a zone line shall not, in of itself, be
4971 considered development above the base density for purposes of requiring a conditional use
4972 permit for apartments or townhouses in the R-1 through R-8 zones.))~~

4973 C. Uses on each portion of the lot shall only be those permitted in each zone in
4974 accordance with K.C.C. chapter 21A.08.

4975 SECTION X. Ordinance 10870, Section 367, as amended, and K.C.C. 21A.14.070
4976 are hereby amended to read as follows:

4977 The standards of K.C.C. 21A.14.080 through 21A.14.090 shall apply to all new;
4978 ~~((apartment)) duplex, triplex, or fourplex developments exceeding four dwelling units total
4979 ((:)); new apartment or townhouse developments; and new group residences, except Class I
4980 Community Residential Facilities ("CRF-I"). Expansions of existing development that
4981 involve ~~((four)) five or more dwelling units shall be subject to compliance with K.C.C.
4982 21A.14.080 to 21A.14.090.~~~~

4983 SECTION X. Ordinance 10870, Section 376, as amended, and K.C.C. 21A.14.160
4984 are hereby amended to read as follows:

4985 New mobile home parks shall be developed subject to the following standards:

4986 A. A mobile home park shall be at least three acres in area;

4987 B. Residential densities in a mobile home park shall be as follows:

Commented [JC303]: Scope II.C.1

As part of middle housing, this calculation is no longer needed, as a Conditional Use Permit for apartments and townhouses is proposed to be removed earlier in this ordinance.

Commented [JC304]: Scope II.C.1

As part of middle housing and to reflect existing intent, this addresses when a site accommodates multiple middle housing" developments; i.e., 3 duplexes, 2 triplexes, or 2 fourplexes which exceeds 4 units in total. Apartments are also relocated elsewhere in the section, as there is now no instance when apartments would be less than 5 units.

Commented [JC305]: For consistency with current requirement above re: "exceeding four" units.

4988 1. Six dwellings per acre in R-4 zone;
4989 2. The base density of the zone in which the park is located in all R-6 through R-48
4990 zones; ~~(and~~

4991 ~~3. Mobile home parks shall be eligible to achieve the maximum density permitted~~
4992 ~~in the zone by providing the affordable housing benefit for mobile home parks set forth in~~
4993 ~~K.C.C. 21A.34;))~~

4994 C. Both insignia and non-insignia mobile homes may be installed in mobile home
4995 parks, provided that non-insignia mobile homes shall meet the minimum livability and
4996 safety requirements set forth in K.C.C. Title 16, Building Code;

4997 D. A mobile home park shall be exempt from impervious surface limits set forth in
4998 K.C.C. 21A.12;

4999 E. At least one of the off-street parking spaces required for each mobile home shall
5000 be located on or adjacent to each mobile home pad;

5001 F. Internal roads and sidewalks shall provide access to each mobile home space and
5002 shall be constructed in accordance with the adopted King County road standards for
5003 residential minor access streets;

5004 G. There shall be a minimum of ten feet of separation maintained between all
5005 mobile homes on the site, unless the flexible setback option set forth in K.C.C. 21A.14.170
5006 is used. Accessory structures shall be located no closer than:

5007 1. Ten feet to mobile homes on adjacent spaces, unless constructed of
5008 noncombustible materials, in which case the minimum setback shall be five feet;

5009 2. Five feet to accessory structures of mobile homes on adjacent spaces; and

Commented [JC306]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

5010 3. Five feet to the mobile home or other accessory structures on the same space,
5011 except a carport or garage may be attached to the mobile home, and the separation may be
5012 waived when such structures are constructed of noncombustible materials;

5013 H. All mobile homes and RVs supported by piers shall be fully skirted; and

5014 I. A mobile home park may include a storage area for RVs owned by residents of
5015 the park, provided the storage area contains no utility hook-ups and no RV within the
5016 storage area shall be used as living quarters.

5017 SECTION X. Ordinance 10870, Section 378, as amended, and K.C.C. 21A.14.180
5018 are hereby amended to read as follows:

5019 A. Residential developments, other than cottage housing developments, of more
5020 than four units in the UR and R-4 through R-48 zones, stand-alone townhouse
5021 developments in the NB zone on property designated commercial outside of center in the
5022 urban area of more than four units, and mixed-use developments of more than four units,
5023 shall provide recreation space for leisure, play and sport activities as follows:

5024 1. Residential subdivision, townhouses and apartments developed at a density of
5025 eight units or less per acre: three hundred ninety square feet per unit;

5026 2. Mobile home park: two hundred sixty square feet per unit;

5027 3. Residential subdivisions developed at a density of greater than eight units per
5028 acre: one hundred seventy square feet per unit; and

5029 4. Apartments and townhouses developed at a density of greater than eight units
5030 per acre and mixed use:

5031 a. Studio and one bedroom: ninety square feet per unit;

5032 b. Two bedrooms: one hundred seventy square feet per unit; and

5033 c. Three or more bedrooms: one hundred seventy square feet per unit.

5034 B. Recreation space shall be placed in a designated recreation space tract if part
5035 of a subdivision. The tract shall be dedicated to a homeowner's association or other
5036 workable organization acceptable to the director, to provide continued maintenance of the
5037 recreation space tract consistent with K.C.C. 21A.14.200.

5038 C. Any recreation space located outdoors that is not part of a storm water tract
5039 developed in accordance with subsection F. of this section shall:

5040 1. Be of a grade and surface suitable for recreation improvements and have a
5041 maximum grade of five percent;

5042 2. Be on the site of the proposed development;

5043 3. Be located in an area where the topography, soils, hydrology and other
5044 physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a
5045 configuration that allows for passive and active recreation;

5046 4. Be centrally located with good visibility of the site from roads and sidewalks;

5047 5. Have no dimensions less than thirty feet, except trail segments;

5048 6. Be located in one designated area, unless the director determines that
5049 residents of large subdivisions, townhouses and apartment developments would be better
5050 served by multiple areas developed with recreation or play facilities;

5051 7. Have a street roadway or parking area frontage along ten percent or more of
5052 the recreation space perimeter, except trail segments, if the required outdoor recreation
5053 space exceeds five thousand square feet and is located in a single detached or townhouse
5054 subdivision;

5055 8. Be accessible and convenient to all residents within the development; and

5056 9. Be located adjacent to, and be accessible by, trail or walkway to any existing
5057 or planned municipal, county or regional park, public open space or trail system, which
5058 may be located on adjoining property.

5059 D. Indoor recreation areas may be credited towards the total recreation space
5060 requirement, if the director determines that the areas are located, designed and improved
5061 in a manner that provides recreational opportunities functionally equivalent to those
5062 recreational opportunities available outdoors. For senior ~~((citizen))~~ assisted housing,
5063 indoor recreation areas need not be functionally equivalent but may include social areas,
5064 game and craft rooms, and other multipurpose entertainment and education areas.

5065 E. Play equipment or age appropriate facilities shall be provided within dedicated
5066 recreation space areas according to the following requirements:

5067 1. For developments of five dwelling units or more, a tot lot or children's play
5068 area, that includes age appropriate play equipment and benches, shall be provided
5069 consistent with K.C.C. 21A.14.190;

5070 2. For developments of five to twenty-five dwelling units, one of the following
5071 recreation facilities shall be provided in addition to the tot lot or children's play area:

- 5072 a. playground equipment;
- 5073 b. sport court;
- 5074 c. sport field;
- 5075 d. tennis court; or
- 5076 e. any other recreation facility proposed by the applicant and approved by the
5077 director;

Commented [JC307]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

5078 3. For developments of twenty-six to fifty dwelling units, at least two or more of
5079 the recreation facilities listed in subsection E.2. of this section shall be provided in
5080 addition to the tot lot or children’s play area; and

5081 4. For developments of more than fifty dwelling units, one or more of the
5082 recreation facilities listed in subsection E.2. of this section shall also be provided for
5083 every twenty-five dwelling units in addition to the tot lot or children’s play area. If
5084 calculations result in a fraction, the fraction shall be rounded to the nearest whole number
5085 as follows:

5086 a. Fractions of 0.50 or above shall be rounded up; and

5087 b. Fractions below 0.50 shall be rounded down.

5088 F. In subdivisions, recreation areas that are contained within the on-site
5089 stormwater tracts, but are located outside of the one hundred year design water surface,
5090 may be credited for up to fifty percent of the required square footage of the on-site
5091 recreation space requirement on a foot-per-foot basis, subject to the following criteria:

5092 1. The stormwater tract and any on-site recreation tract shall be contiguously
5093 located. At final plat recording, contiguous stormwater and recreation tracts shall be
5094 recorded as one tract and dedicated to the homeowner's association or other organization
5095 as approved by the director;

5096 2. The drainage facility shall be constructed to meet the following conditions:

5097 a. The side slope of the drainage facility shall not exceed thirty-three percent
5098 unless slopes are existing, natural and covered with vegetation;

5099 b. A bypass system or an emergency overflow pathway shall be designed to
5100 handle flow exceeding the facility design and located so that it does not pass through
5101 active recreation areas or present a safety hazard;

5102 c. The drainage facility shall be landscaped and developed for passive
5103 recreation opportunities such as trails, picnic areas and aesthetic viewing; and

5104 d. The drainage facility shall be designed so they do not require fencing under
5105 the King County Surface Water Design Manual.

5106 G. When the tract is a joint use tract for a drainage facility and recreation space,
5107 King County is responsible for maintenance of the drainage facility only and requires a
5108 drainage easement for that purpose.

5109 H. A recreation space plan shall be submitted to the department and reviewed and
5110 approved with engineering plans.

5111 1. The recreation space plans shall address all portions of the site that will be
5112 used to meet recreation space requirements of this section, including drainage facility.
5113 The plans shall show dimensions, finished grade, equipment, landscaping and
5114 improvements, as required by the director, to demonstrate that the requirements of the on-
5115 site recreation space in K.C.C. 21A.14.180 and play areas in K.C.C. 21A.14.190 have
5116 been met.

5117 2. If engineering plans indicate that the on-site drainage facility or stormwater
5118 tract must be increased in size from that shown in preliminary approvals, the recreation
5119 plans must show how the required minimum recreation space under K.C.C.
5120 21A.14.180.A. will be met.

5121 SECTION X. Ordinance 10870, Section 379, as amended, and K.C.C.

5122 21A.14.190 are hereby amended to read as follows:

5123 A. All single detached subdivisions, apartment, townhouse and mixed-use
5124 developments, of more than four units in the UR and R-4 through R-48 zones and stand-
5125 alone townhouse developments in the NB zone of more than four units on property
5126 designated commercial outside of center in the urban area, excluding age-restricted senior
5127 ~~((citizen))~~ housing, shall provide children play areas within the recreation space on-site,
5128 except if facilities are available to the public that meet all of the following:

Commented [JC308]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

- 5129 1. Developed as a county, municipal or regional park;
- 5130 2. Located within one quarter mile walking distance; and
- 5131 3. Accessible without crossing any arterial street.

5132 B. Play area designs shall:

- 5133 1. Provide at least forty five square feet per dwelling unit, with a minimum size
5134 of four hundred square feet;
- 5135 2. Be adjacent to main pedestrian paths or near building entrances;
- 5136 3. Meet the requirements of K.C.C. 21A.14.180; and
- 5137 4. Provide play equipment that meets, at a minimum, the Consumer Product
5138 Safety Standards for equipment, soft surfacing and spacing.

5139 SECTION X. Ordinance 14045, Section 43 and K.C.C. 21A.14.330 are hereby
5140 amended to read as follows:

5141 In the RA zone, all subdivisions and short subdivisions shall be recorded with a
5142 condition prohibiting any covenant that would preclude ~~((the keeping of horses or other
5143 large livestock))~~ agricultural activities.

Commented [JC309]: Amended per Comprehensive Plan policy R-204

5144 SECTION X. Ordinance 10870, Section 387, as amended, and K.C.C. 21A.16.020
5145 are hereby amended to read as follows:

5146 Except for communication facilities regulated pursuant to K.C.C. 21A.26, all new
5147 development listed in K.C.C. 21A.16.030 shall be subject to the landscaping provisions
5148 of this chapter, provided that specific landscaping and tree retention provisions for uses
5149 established through a conditional use permit((?)) or a special use permit(~~(, or an urban~~
5150 ~~planned development application)) shall be determined during the applicable review
5151 process.~~

Commented [JC310]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

5152 SECTION X. Ordinance 10870, Section 388, as amended, and K.C.C.
5153 21A.16.030 are hereby amended to read as follows:

5154 To facilitate the application of this chapter, the land uses of K.C.C. chapter
5155 21A.08 have been grouped in the following manner:

5156 A. Residential development refers to those uses listed in K.C.C. 21A.08.030,
5157 except those uses listed under Accessory uses, and:

- 5158 1. Attached/group residences refers to:
- 5159 a. townhouses, except as provided in subsection A.2.a. of this section;
 - 5160 b. apartments and detached dwelling units developed on common property at a
5161 density of twelve or more units per acre;
 - 5162 c. senior ~~((citizen))~~ assisted housing;
 - 5163 d. temporary lodging;
 - 5164 e. group residences other than Type I community residential facilities;
 - 5165 f. mobile home parks; and
- 5166 2. Single-family development refers to:

Commented [JC311]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

- 5167 a. residential subdivisions and short subdivisions, including attached and
5168 detached dwelling units on individually platted or short platted lots;
- 5169 b. any detached dwelling units located on a lot including cottage housing units;
5170 and
- 5171 c. Type I community residential facilities;
- 5172 B. Commercial development refers to those uses in:
- 5173 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;
5174 2. K.C.C. 21A.08.050 except recycling centers, health and educational services,
5175 daycare I, churches, synagogues and temples, and miscellaneous repair as allowed in the
5176 A and RA zones; and
- 5177 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales
5178 as allowed in the A, F and RA zones and building, hardware and garden materials as
5179 allowed in the A zones;
- 5180 C. Industrial development refers to those uses listed in:
- 5181 1. K.C.C. 21A.08.050 as recycling center;
5182 2. K.C.C. 21A.08.060, except government services and farm product
5183 warehousing, refrigeration and storage as allowed in the A zones;
- 5184 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A
5185 and F zones; and
- 5186 4. K.C.C. 21A.08.090 as mineral extraction and processing;
- 5187 D. Institutional development refers to those uses listed in:
- 5188 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;

5189 2. K.C.C. 21A.08.050 as churches, synagogues and temples, health services and
5190 education services except specialized instruction schools permitted as an accessory use;

5191 3. K.C.C. 21A.08.060 as government services; and

5192 4. Search and rescue facilities.

5193 E. Utility development refers to those uses listed in K.C.C. 21A.08.060 as utility
5194 facilities; and

5195 F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E.
5196 of this section shall not be subject to landscaping and tree retention requirements except
5197 as specified in any applicable review of a conditional use or special use permits, or
5198 reviews conducted in accordance with K.C.C. 21A.42.300.

5199 SECTION X. Ordinance 10870, Section 407, as amended, and K.C.C.
5200 21A.18.030 are hereby amended to read as follows:

5201 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking
5202 areas shall contain at a minimum the number of parking spaces as stipulated in the
5203 following table. Off-street parking ratios expressed as number of spaces per square foot
5204 means the usable or net square footage of floor area, exclusive of non-public areas. Non-
5205 public areas include but are not limited to building maintenance areas, storage areas,
5206 closets or restrooms. If the formula for determining the number of off-street parking
5207 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
5208 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
5209 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
<u>Duplex, triplex, fourplex</u>	<u>1.0 per dwelling unit</u>
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)) 2 bedrooms
Dormitory, including religious	1 per ((two)) 2 bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Cottage housing	1 per dwelling unit
<u>Permanent supportive housing</u>	<u>1 per 2 employees and 1 per 10 dwelling units</u>
<u>Recuperative housing</u>	<u>1 per 2 employees and 1 per 10 bedrooms</u>
<u>Emergency supportive housing</u>	<u>1 per 2 employees 1 per 20 bedrooms or dwelling units</u>

Commented [JC312]: Scope II.C.1

Part of middle housing, to reflect new dwelling types. The book of "Middle Housing" page 266 reads: "If the parking space requirement is not being reduced, then these housing types probably will not be enabled effectively. Consider that, at a minimum, a wood constructed garage adds approximately \$15,000 to \$20,000 to the cost of a unit, which can easily put the price out of reach for many buyers." If we require more than 1 off-street parking space for each unit, it is likely that it is not enabling middle housing.

Commented [JC313]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC314]: consistency edit

Commented [JC315]: consistency edit

Commented [JC316]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

<u>Interim housing</u>	<u>1 per 2 employees 1 per 20 bedrooms</u> <u>or dwelling units</u>
<u>Micro-modular shelter villages</u>	<u>1 per 2 employees and 1 per 20 micro-</u> <u>modular shelters</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)) 5 students

Commented [JC317]: consistency edit

Specialized instruction Schools	1 per classroom, plus 1 per ((two)) 2 students
Artist Studios	.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

Commented [JC318]: consistency edit

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
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)

5210 B. An applicant may request a modification of the minimum required number of
5211 parking spaces by providing that parking demand can be met with a reduced parking
5212 requirement. In such cases, the director may approve a reduction of up to fifty percent of
5213 the minimum required number of spaces.

5214 C. When the county has received a shell building permit application, off-street
5215 parking requirements shall be based on the possible tenant improvements or uses
5216 authorized by the zoning classification and compatible with the limitations of the shell
5217 permit. When the range of possible uses result in different parking requirements, the
5218 director will establish the amount of parking based on a likely range of uses.

5219 D. Where other provisions of this code stipulate maximum parking allowed or
5220 reduced minimum parking requirements, those provisions shall apply.

5221 E. In any development required to provide six or more parking spaces, bicycle
5222 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
5223 facilities unless otherwise specified.

5224 1. Off-street parking areas shall contain at least one bicycle parking space for
5225 every twelve spaces required for motor vehicles except as follows:

5226 a. The director may reduce bike rack parking facilities for patrons when it is
5227 demonstrated that bicycle activity will not occur at that location.

5228 b. The director may require additional spaces when it is determined that the
5229 use or its location will generate a high volume of bicycle activity. Such a determination
5230 will include but not be limited to the following uses:

5231 (1) Park/playfield,

5232 (2) Marina,

5233 (3) Library/museum/arboretum,

5234 (4) Elementary/secondary school,

5235 (5) Sports club, or

5236 (6) Retail business (when located along a developed bicycle trail or
5237 designated bicycle route).

5238 2. Bicycle facilities for patrons shall be located within 100 feet of the building
5239 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
5240 structure attached to the pavement.

5241 3. All bicycle parking and storage shall be located in safe, visible areas that do
5242 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

5243 4. When more than ten people are employed on site, enclosed locker-type
5244 parking facilities for employees shall be provided. The director shall allocate the
5245 required number of parking spaces between bike rack parking and enclosed locker-type
5246 parking facilities.

5247 5. One indoor bicycle storage space shall be provided for every two dwelling
5248 units in townhouse and apartment residential uses, unless individual garages are provided
5249 for every unit. The director may reduce the number of bike rack parking spaces if indoor
5250 storage facilities are available to all residents.

5251 SECTION X. Ordinance 10870, Section 410, as amended, and K.C.C.

5252 21A.18.050 are hereby amended to read as follows:

5253 A. The minimum requirement of one off-street parking space per two bedrooms
5254 for CRF's and one off-street parking space per two senior ~~((citizen))~~ assisted housing
5255 units may be reduced by up to 50 percent, as determined by the director based on the
5256 following considerations:

5257 1. Availability of private, convenient transportation services to meet the needs
5258 of the CRF residents;

5259 2. Accessibility to and frequency of public transportation; and

5260 3. Pedestrian access to health, medical, and shopping facilities;

5261 B. If a CRF facility or senior ~~((citizen))~~ assisted housing is no longer used for
5262 such purposes, additional off-street parking spaces shall be required in compliance with
5263 this chapter prior to the issuance of a new certificate of occupancy.

Commented [JC319]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC320]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

5264 SECTION X. Ordinance 10870, Section 414, as amended, and K.C.C. 21A.18.100

5265 are hereby amended to read as follows:

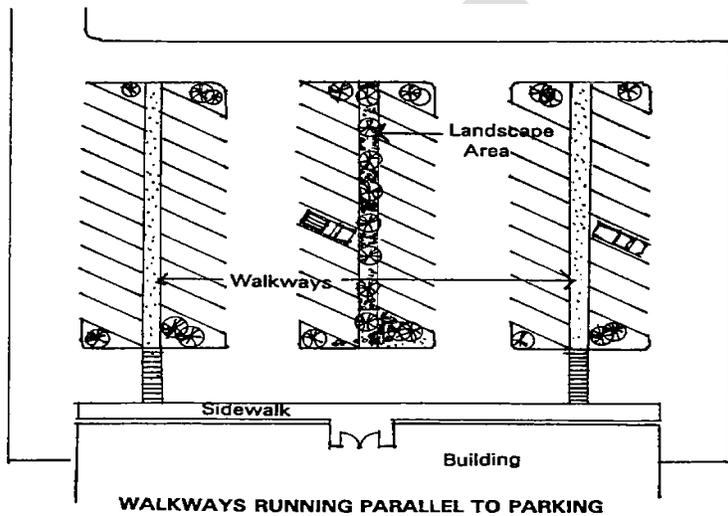
5266 A. Non residential uses. All permitted nonresidential uses shall provide
5267 pedestrian and bicycle access within and onto the site. Access points onto the site shall
5268 be provided (a) approximately every 800 to 1,000 feet along existing and proposed
5269 perimeter sidewalks and walkways, and (b) at all arrival points to the site, including
5270 abutting street intersections, crosswalks, and transit stops. In addition, access points to
5271 and from adjacent lots shall be coordinated to provide circulation patterns between
5272 developments.

5273 B. Residential uses.

5274 1. All permitted residential uses of five or more dwelling units shall provide
5275 pedestrian and bicycle access within and onto the site. Access points onto the site shall
5276 be provided (a) approximately every 800 to 1,000 feet along existing and proposed
5277 perimeter sidewalks and walkways, and (b) at all arrival points to the site, including
5278 abutting street intersections, crosswalks, and transit and school bus stops. In addition,
5279 access points to and from adjacent lots shall be coordinated to provide circulation
5280 patterns between sites.

5281 2. Residential uses of five or more dwelling units shall provide for non-motorized
5282 circulation between cul-de-sacs or groups of buildings to allow pedestrian and bicycle
5283 access within and through the development to adjacent activity centers, parks, common
5284 tracts, dedicated open space intended for active recreation, schools or other public
5285 facilities, transit and school bus stops, and public streets.

5286 3. Access shall only be required to school bus stops that are within or adjacent to
5287 a proposed residential use of five or more dwelling units and that are identified by the
5288 affected school district in response to a Notice of Application. In order to allow school
5289 districts to identify school bus stops, the department shall send a Notice of Application to
5290 affected school districts on all applications for residential uses of five or more dwelling
5291 units.



5292
5293 C. Walkways shall form an on-site circulation system that minimizes the conflict
5294 between pedestrians and traffic at all points of pedestrian access to on-site parking and
5295 building entrances. Walkways shall be provided when the pedestrian access point onto
5296 the site, or any parking space, is more than 75 feet from the building entrance or principal
5297 on-site destination and as follows:

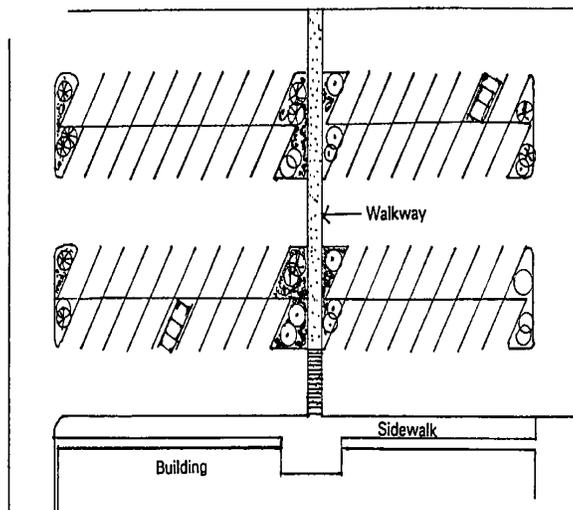
5298 1. All developments which contain more than one building shall provide
5299 walkways between the principal entrances of the buildings;

5300 2. All non-residential buildings set back more than 100 feet from the public
5301 right-of-way shall provide for direct pedestrian access from the building to buildings on
5302 adjacent lots; and

5303 3. Walkways across parking areas shall be located as follows:

5304 a. Walkways running parallel to the parking rows shall be provided for every
5305 six rows. Rows without walkways shall be landscaped or contain barriers or other means
5306 to encourage pedestrians to use the walkways; and

5307 b. Walkways running perpendicular to the parking rows shall be no further
5308 than twenty parking spaces. Landscaping, barriers or other means shall be provided
5309 between the parking rows to encourage pedestrians to use the walkways;



5310

5311 **WALKWAYS RUNNING PERPENDICULAR TO PARKING**

5312 D. Pedestrian and bicycle access and walkways shall meet the following
5313 minimum design standards:

5314 1. Access and walkways shall be well lit and physically separated from
5315 driveways and parking spaces by landscaping, berms, barriers, grade separation or other
5316 means to protect pedestrians from vehicular traffic;

5317 2. Access and walkways shall be a minimum of 48 inches of unobstructed width
5318 and meet the surfacing standards of the King County Road Standards for walkways or
5319 sidewalks;

5320 3. The minimum standard for walkways required to be accessible for persons
5321 with disabilities shall be designed and constructed to comply with the current State
5322 Building Code regulations for barrier-free accessibility;

5323 4. A crosswalk shall be required when a walkway crosses a driveway or a paved
5324 area accessible to vehicles; and

5325 E. Blocks in excess of 660 feet shall be provided with a crosswalk at the
5326 approximate midpoint of the block.

5327 F. The director may waive or modify the requirements of this section when:

5328 1. Existing or proposed improvements would create an unsafe condition or
5329 security concern;

5330 2. There are topographical constraints, or existing or required structures
5331 effectively block access;

5332 3. The site is in a rural area outside of or not contiguous to an activity center,
5333 park, common tract, dedicated open space, school, transit stop or other public facility;

5334 4. The land use would not generate the need for pedestrian or bicycle access; or

5335 5. the public is not allowed access to the subject land use.

5336 The director's waiver may not be used to modify or waive the requirements of
5337 K.C.C. 21A.18.100 relating to sidewalks and safe walking conditions for students.

5338 G. The provisions of this section shall not apply on school district property.

5339 SECTION X. Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110
5340 are hereby amended to read as follows:

5341 A. Off-street parking areas shall not be located more than six hundred feet from
5342 the building they are required to serve for all uses except those specified as follows;
5343 where an off-street parking area does not abut the building it serves, the required
5344 maximum distance shall be measured from the nearest building entrance that the parking
5345 area serves:

5346 1. For all single detached, duplex, triplex or fourplex dwellings the parking
5347 spaces shall be located on the same lot they are required to serve;

5348 2. For all other residential dwellings at least a portion of parking areas shall be
5349 located within one hundred fifty feet from the building or buildings they are required to
5350 serve;

5351 3. For all nonresidential uses permitted in rural area and residential zones, the
5352 parking spaces shall be located on the site they are required to serve and at least a portion
5353 of parking areas shall be located within one hundred fifty feet from the nearest building
5354 entrance they are required to serve;

5355 4. In designated activity, community business and neighborhood business
5356 centers, parking lots shall be located to the rear or sides of buildings. Relief from this
5357 subsection A.4 may be granted by the director only if the applicant can demonstrate that
5358 there is no practical site design to meet this requirement. The director may allow only the

Commented [JC321]: Scope II.C.1

Part of middle housing, to be consistent with single detached dwellings parking standards.

5359 number of parking spaces that cannot be accommodated to the rear or sides of buildings
5360 to be located to the front of buildings;

5361 5. Parking lots shall be so arranged as to permit the internal circulation of
5362 vehicles between parking aisles without re-entering adjoining public streets; and

5363 6. Parking for the disabled shall be provided in accordance with K.C.C.
5364 21A.18.060.

5365 B. The minimum parking space and aisle dimensions for the most common
5366 parking angles are shown on the table in this subsection. For parking angles other than
5367 those shown on the chart, the minimum parking space and aisle dimensions shall be
5368 determined by the director. Regardless of the parking angle, one-way aisles shall be at
5369 least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end
5370 aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking
5371 plans for angle parking shall use space widths no less than eight feet six inches for a
5372 standard parking space design and eight feet for a compact car parking space design.

5373 **MINIMUM PARKING STALL AND AISLE DIMENSIONS**

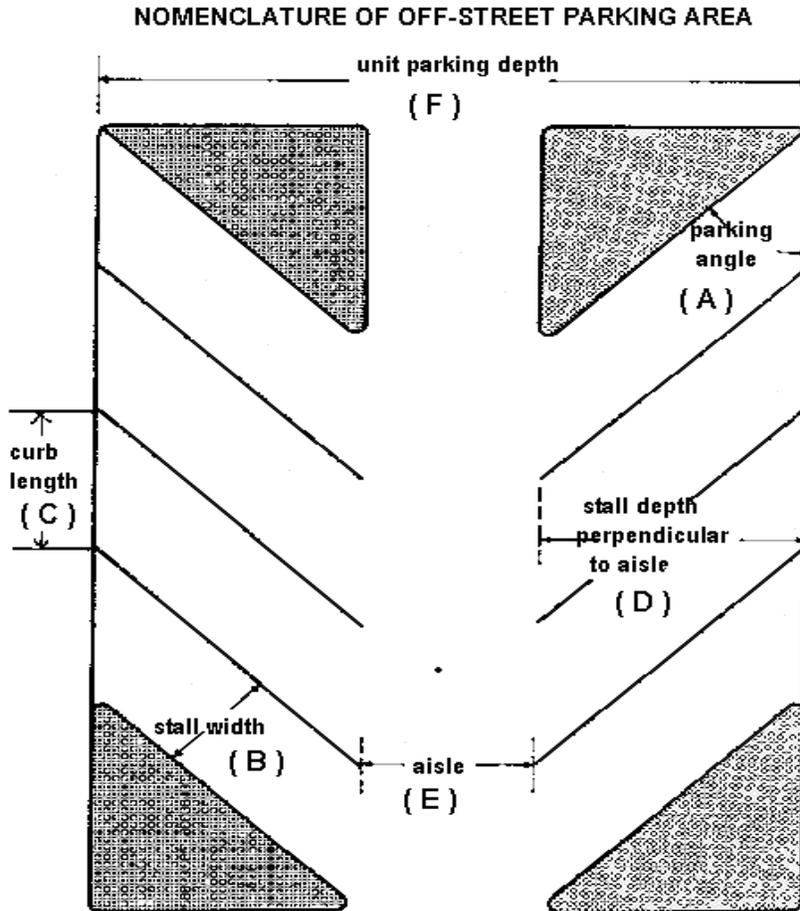
A		B		C	D	E		F	
PARKING ANGLE		STALL WIDTH		CURB LENGTH	STALL DEPTH	AISLE WIDTH 1-WAY 2-WAY		UNIT DEPTH 1-WAY 2-WAY	
		0	0	8.0* Min 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0	20.0	**
30	30	8.0* Min 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0	20.0	42.0	53.0	
45	45	8.0* Min 8.5 Desired 9.0	11.5* 12.0 12.5	17.0* 17.0	12.0	20.0	50.0	58.0	
					12.0	20.0	51.0	59.0	

60	60	8.0*	9.6*	18.0	18.0 20.0	** **
		Min 8.5	10.0	20.0	18.0 20.0	58.0 60.0
		Desired 9.0	10.5	21.0	18.0 20.0	60.0 62.0
90		8.0*	8.0*	16.0*	24.0 24.0	** **
		Min 8.5	8.5	18.0	24.0 24.0	60.0 60.0
		Desired 9.0	9.0	18.0	23.0 24.0	60.0 60.0

5374 * for compact stalls only

5375 ** variable with compact and standard combinations

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5376

5377

5378 C. Any parking spaces abutting a required landscaped area on the driver or
5379 passenger side of the vehicle shall provide an additional eighteen inches above the
5380 minimum space width requirement to provide a place to step other than in the landscaped
5381 area. The additional width shall be separated from the adjacent parking space by a
5382 parking space division stripe.

5383 D. The parking stall depth may be reduced if vehicles overhang a walkway or
5384 landscaping under the following conditions:

- 5385 1. Wheelstops or curbs are installed;
- 5386 2. The remaining walkway provides a minimum of forty-eight inches of
5387 unimpeded passageway for pedestrians;
- 5388 3. The amount of space depth reduction is limited to a maximum of eighteen
5389 inches; and
- 5390 4. Landscaping is designed in accordance with K.C.C. 21A.16.070.E.

5391 E. Driveways providing ingress and egress between off-street parking areas and
5392 abutting streets shall be designed, located and constructed in accordance with K.C.C.
5393 chapter 14.42, Road Standards. Driveways for single detached dwellings, no more than
5394 twenty feet in width, may cross required setbacks or landscaped areas to provide access
5395 between the off-street parking areas and the street, provided no more than fifteen percent
5396 of the required landscaping or setback area is eliminated by the driveway. Joint use
5397 driveways may be located within required landscaping or setback areas. Driveways for
5398 all other developments may cross or be located within required setbacks or landscaped
5399 areas to provide access between the off-street parking areas and the street, if no more than
5400 ten percent of the required landscaping is displaced by the driveway and the driveway is
5401 located no closer than five feet from any property line except where intersecting the
5402 street.

5403 F. Parking spaces required under this title shall be located as follows:

- 5404 1. For single detached, duplex, triplex or fourplex dwelling units the required
5405 parking spaces shall be outside of any required setbacks or landscaping, but driveways

Commented [JC322]: Scope II.C.1

Part of middle housing, to be consistent with single detached dwellings parking standards.

5406 crossing setbacks and required landscaping may be used for parking. However, if the
5407 driveway is a joint use driveway, no vehicle parked on the driveway shall obstruct any
5408 joint user's access to the driveway or parking spaces;

5409 2. For all other developments parking spaces may be permitted by the director
5410 in setback areas in accordance with an approved landscape plan; and

5411 3. For nonresidential uses in rural area and residential zones, parking is
5412 permitted in setback areas in accordance with K.C.C. 21A.12.220.

5413 G. Lighting shall be provided for safety of traffic and pedestrian circulation on
5414 the site. It shall be designed to minimize direct illumination of abutting properties and
5415 adjacent streets. The director shall have the authority to waive the requirement to provide
5416 lighting.

5417 H. Tandem or end-to-end parking is allowed in residential developments.

5418 Duplex, triplex, fourplex, ((A))apartment or townhouse developments may have tandem
5419 parking areas for each dwelling unit but shall not combine parking for separate dwelling
5420 units in tandem parking areas.

5421 I. All vehicle parking and storage for single detached dwellings must be in a
5422 garage, carport or on an approved impervious surface. Any impervious surface used for
5423 vehicle parking or storage must have direct and unobstructed driveway access.

5424 J. The total number of vehicles parked or stored outside of a building on a single
5425 family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall
5426 not exceed six vehicles on lots that are twelve thousand five hundred square feet or less
5427 and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

Commented [JC323]: Scope II.C.1

Part of middle housing, to reflect new housing types, which could be impacted similar to apartments or townhomes in a tandem parking situation.

5428 K. Vanpool and carpool parking areas shall meet the following minimum design
5429 standards:

5430 1. A minimum vertical clearance of seven feet three inches shall be provided to
5431 accommodate van vehicles if designated vanpool and carpool parking spaces are located
5432 in a parking structure; and

5433 2. A minimum turning radius of twenty-six feet four inches with a minimum
5434 turning diameter, curb to curb, of fifty-two feet five inches shall be provided from
5435 parking aisles to adjacent vanpool and carpool parking spaces.

5436 L. Direct access from the street right-of-way to off-street parking areas shall be
5437 subject to K.C.C. 21A.28.120.

5438 M. No dead-end alley may provide access to more than eight off-street parking
5439 spaces.

5440 N. Any parking stalls located in enclosed buildings must be totally within the
5441 enclosed building.

5442 SECTION X. Ordinance 10870, Section 417, and K.C.C. 21A.18.130 are hereby
5443 amended to read as follows:

5444 A. In any development containing more than 20 parking spaces, up to 50 percent
5445 of the total number of spaces may be sized to accommodate compact cars, subject to the
5446 following:

5447 ~~((A-))~~ 1. Each space shall be clearly identified as a compact car space by painting
5448 the word "COMPACT" in capital letters, a minimum of 8 inches high, on the pavement at
5449 the base of the parking space and centered between the striping;

5450 ~~((B-))~~ 2. Aisle widths shall conform to the standards set for standard size cars;
5451 and

5452 ~~((C-))~~ B. Duplex, triplex, fourplex or ~~((A))~~ apartment developments with less than
5453 twenty parking spaces may designate up to 40 percent of the required parking spaces as
5454 compact spaces.

5455 SECTION X. Ordinance 19316, Section 7, and K.C.C. 21A.18.150 are hereby
5456 amended to read as follows:

5457 If this title requires a use to provide off-street parking, the parking area, whether
5458 provided on-site or off-site, shall include electric-vehicle-charging infrastructure as
5459 follows:

5460 A.1. New townhouses shall provide one electric-vehicle-ready parking space per
5461 dwelling unit.

5462 2. For new or substantially improved buildings for duplex, triplex, fourplex or
5463 apartment dwelling units, or if paved surface parking area for such buildings is expanded
5464 by fifty percent or more, ten percent of total parking spaces shall be electric-vehicle-
5465 supply-equipment parking spaces and twenty-five percent of total parking spaces shall be
5466 electric-vehicle-ready parking spaces.

5467 3. For the following development activities, five percent of total parking spaces
5468 shall be electric-vehicle-supply-equipment parking spaces and ten percent of total parking
5469 spaces shall be electric-vehicle-ready parking spaces:

5470 a. new or substantially improved buildings for group residential or temporary
5471 lodging uses in K.C.C. 21A.08.030, or expansion of paved surface parking area for one of
5472 these uses by fifty percent or more;

Commented [JC324]: Scope II.C.1

Part of middle housing, to reflect new housing types, which could be impacted similar to apartments or townhomes in a compact car parking situation.

Commented [JC325]: Scope II.C.1

Part of middle housing, to reflect new housing types.

5473 b. new or substantially improved buildings for nonresidential uses, or
5474 expansion of paved surface parking area for one of these uses by fifty percent or more;
5475 and

5476 c. new commuter parking lot or automotive parking, or expansion of paved
5477 surface parking area for one of these uses by fifty percent or more.

5478 4. The electric-vehicle-charging infrastructure requirements in this section do
5479 not apply to common-wall residential buildings that serve duplex, triplex, fourplex,
5480 townhouse, apartment, group residential or temporary lodging uses and that consist of
5481 four or fewer units, do not exceed two stories in height, are less than five thousand square
5482 feet in area and have a one-hour fire-resistive occupancy separation between units. New
5483 construction of such buildings that serve Group B, Group R-1 hotel and motel only and
5484 Group R-2 occupancies as defined in the Washington State Building Code are required to
5485 meet the provisions of Section 429 of the Washington State Building Code.

5486 5. For developments subject to subsections A.2., A.3.a. or A.3.b. of this
5487 section((-)), if the total number of parking spaces required by this title is six or fewer, the
5488 required electric-vehicle-supply-equipment parking spaces may be replaced by electric-
5489 vehicle-ready parking spaces. However, if such a parking area voluntarily exceeds the
5490 minimum required number of parking spaces, the parking area shall include the number
5491 of electric-vehicle-supply-equipment parking spaces required by this subsection A.

5492 6. When electric-vehicle-charging infrastructure is required for new buildings or
5493 substantial improvements to existing buildings, the parking area shall meet the
5494 requirements of this section even if construction of additional off-street parking is not
5495 required elsewhere in this title.

Commented [JC326]: Scope II.C.1

Part of middle housing, to reflect new housing types.

5496 7. For developments that have both residential and nonresidential uses, parking
5497 associated with residential uses shall meet the applicable requirements of subsection A.1.,
5498 A.2. or A.3.a. of this section, and parking associated with nonresidential uses shall meet
5499 the requirements of subsection A.3.b. of this section.

5500 8. If a parking reduction is granted as allowed by this title, the required number
5501 of electric-vehicle-supply-equipment parking spaces and electric-vehicle-ready parking
5502 spaces shall be calculated based on the final total number of parking spaces to be
5503 provided.

5504 9. An electric-vehicle-supply-equipment parking space required by this section
5505 shall not count as an electric-vehicle-ready parking space for the purposes of meeting the
5506 electric-vehicle-ready requirements of this section. Each additional electric-vehicle-
5507 supply-equipment parking space installed beyond the minimum requirements of this
5508 section may count as one electric-vehicle-ready parking space for the purposes of
5509 meeting the electric-vehicle-ready requirements of this section.

5510 10. When calculating the number of required electric-vehicle-supply-equipment
5511 parking spaces and electric-vehicle-ready parking spaces, any fraction or portion of a
5512 required electric-vehicle-supply-equipment parking space or a required electric-vehicle-
5513 ready parking space shall be rounded up to the nearest whole number.

5514 11. When electric-vehicle-supply-equipment parking spaces are required, at
5515 least five percent of the electric-vehicle-supply-equipment parking spaces, but no less
5516 than one electric-vehicle-supply-equipment parking space, shall be accessible. The
5517 accessible electric-vehicle-supply-equipment parking spaces shall be in addition to any
5518 accessible parking spaces required by the Washington state building code. The electric-

5519 vehicle-supply-equipment charger serving accessible spaces may include multiple
5520 attachment plugs in order to serve adjacent parking spaces not designated as accessible
5521 parking.

5522 12. For electric-vehicle-ready parking spaces, the branch circuit shall be
5523 identified as "Electric-Vehicle Ready" in the service panel or subpanel directory, and the
5524 termination location shall be marked as "Electric-Vehicle Ready";

5525 B. For townhouse developments containing nine or fewer dwelling units, the
5526 director may reduce the requirements of subsection A. of this section where the applicant
5527 can prove that the added electrical load to meet the requirements will require an on-site
5528 transformer that is pole-mounted, on a slab or in an underground vault. The reductions
5529 shall occur as follows:

5530 1. The maximum quantity of electric-vehicle-charging infrastructure required to
5531 be installed shall be reduced to the maximum service size that would not require the
5532 changes to transformation or electrical service in subsection B. of this section; and

5533 2. The director may first reduce the number of required electric-vehicle-ready
5534 parking spaces at electric-vehicle-ready parking spaces. If this is not sufficient, the
5535 director may also then reduce the required level of electric-vehicle-charging
5536 infrastructure at electric-vehicle-ready parking spaces from 208/240 volt to 120 volt
5537 circuits;

5538 C. Electric-vehicle load management system technology is permitted to be used
5539 to support electric-vehicle-supply-equipment parking spaces. Applicants may also use
5540 electric-vehicle load management system assumptions in calculating the number of

5541 minimum 208/240-volt dedicated branch circuits needed to support electric-vehicle-ready
5542 parking spaces required by this section;

5543 D. Where electric-vehicle-ready exterior on-grade surface parking spaces are
5544 located more than four feet from a building, enclosed conduit raceways shall be extended
5545 to a pull box or stub in the vicinity of the designated parking space and shall be protected
5546 from vehicles by a curb or other device;

5547 E. Nothing in this section shall be construed to modify the minimum number of
5548 off-street-motor-vehicle parking spaces required for specific uses or the maximum
5549 number of parking spaces allowed, as set forth in K.C.C. chapter 21A.18 or elsewhere in
5550 K.C.C. Title 21A; and

5551 F. All electric-vehicle-supply-equipment parking spaces shall have designated
5552 signage and pavement markings as required under RCW 46.08.185.

5553 SECTION X. Ordinance 13022, Section 26, as amended, and K.C.C. 21A.20.190
5554 are hereby amended to read as follows:

5555 Community identification signs are permitted subject to the following provisions:

5556 A. Only Unincorporated Activity Centers(~~(urban planned developments or~~
5557 ~~Rural Towns,))~~ or designated and delineated by the Comprehensive Plan, are eligible to
5558 be identified with community identification signs. Identification signs for Unincorporated
5559 Activity Centers(~~(urban planned developments))~~) or Rural Towns shall be placed along
5560 the boundaries identified by the Comprehensive Plan;

5561 B. Two types of community identification signs are permitted. Primary signs are
5562 intended to mark the main arterial street entrances to a designated community,
5563 Unincorporated Activity Center(~~(urban planned development))~~) or Rural Town.

Commented [JC327]: To reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

5564 Auxiliary signs are intended to mark entrances to a designated community,
5565 Unincorporated Activity Center(~~(urban planned development)~~) or Rural Town along
5566 local access streets;

5567 C. Primary signs are subject to the following provisions:

5568 1. No more than four primary signs shall be allowed per Unincorporated Activity
5569 Center, (~~(urban planned development)~~) Rural Town or designated community;

5570 2. Each primary sign shall be no more than thirty-two square feet in area and no
5571 more than six feet in height; and

5572 3. Primary signs shall only be located along arterial streets, outside of the right-
5573 of-way;

5574 D. Auxiliary community identification signs are subject to the following
5575 provisions:

5576 1. There shall be no limits on the number of auxiliary community identification
5577 signs allowed per Unincorporated Activity Center, (~~(urban planned development)~~) Rural
5578 Town(~~(s)~~) or designated community; and

5579 2. Each auxiliary sign shall be no more than two square feet, and shall be
5580 located only outside of the right-of-way; and

5581 E. No commercial advertisement shall be permitted on either primary or auxiliary
5582 signs except as follows:

5583 1. When located on property within the RA, UR, R1-8 and R12-48 zones, signs
5584 may have a logo or other symbol of a community service or business group, such as
5585 Kiwanis, Chamber of Commerce or a similar group, sponsoring construction of the sign
5586 or signs. Any permitted logo or symbol shall be limited to an area of no more than two

5587 square feet on primary signs and no more than seventy-two square inches on auxiliary
5588 signs; or

5589 2. When located on properties within the NB, CB, RB, O and I zones, signs
5590 may have a logo or other symbol of the company, community service or business group
5591 sponsoring construction of the sign or signs. Any permitted logo or symbol shall be
5592 limited to an area of no more than four square feet on primary signs and no more than
5593 seventy-two square inches on auxiliary signs; and

5594 F. Community identification signs shall be exempt from the provisions of K.C.C.
5595 21A.20.060.A. that require signs to be on-premise.

5596 SECTION X. Ordinance 10870, Section 444, as amended, and K.C.C. 21A.22.060
5597 are hereby amended to read as follows:

5598 Except as otherwise provided in K.C.C. 21A.22.040, in addition to requirements
5599 in this title, all uses regulated under this chapter shall comply with the following
5600 standards:

5601 A. The minimum site area shall be ten acres;

5602 B. On sites larger than twenty acres, activities shall occur in phases to minimize
5603 environmental impacts. The size of each phase shall be determined during the review
5604 process in accordance with the following:

5605 1. On sites one hundred acres or less, each phase shall not be more than twenty-
5606 five acres; and

5607 2. On sites more than one hundred acres, each phase shall not be more than fifty
5608 acres. Phases that include areas of greater than twenty-five acres shall have setbacks
5609 double those specified in subsections E and F of this section.

Commented [JC328]: In response to a 2022 Docket request and to help reduce impacts of mining operations, creates phasing requirements for mining operations.

5610 3. A third phase shall not be initiated until reclamation of the first phase is
5611 substantially complete. No more than two phases shall be allowed to operate at a time
5612 without previous phases having been reclaimed.

5613 4. Minor variation from these standards may be requested and approved as part
5614 of the permit review process where it is demonstrated to be needed or beneficial for
5615 compliant operation of the mineral extraction based on regulations for protection of water
5616 quality, environmental conditions or safety;

5617 C. If the department determines they are necessary to eliminate a safety hazard,
5618 fences or alternatives to fences shall be:

5619 1. Provided in a manner that discourages access to areas of the site where:

5620 a. active extracting, processing, stockpiling and loading of materials is
5621 occurring;

5622 b. boundaries are in common with residential or commercial zone property or
5623 public lands; or

5624 c. any unstable slope or any slope exceeding a grade of forty percent is present;

5625 2. At least six feet in height above the grade measured at a point five feet
5626 outside the fence and the fence material shall have no opening larger than two inches;

5627 3. Installed with lockable gates at all openings or entrances;

5628 4. No more than four inches from the ground to fence bottom; and

5629 5. Maintained in good repair;

5630 D. Warning and trespass signs advising of the use shall be placed on the
5631 perimeter of the site adjacent to RA, UR or R zones at intervals no greater than two

5632 hundred feet along any unfenced portion of the site where the items noted in subsection
5633 C.1. of this section are present;

5634 E. Structural setbacks from property lines shall be as follows:

5635 1. Buildings, structures and stockpiles used in the processing of materials shall
5636 be no closer than:

5637 a. one hundred feet from any residential zoned properties except that the
5638 setback may be reduced to fifty feet when the grade where such building or structures are
5639 proposed is fifty feet or greater below the grade of the residential zoned property;

5640 b. fifty feet from any other zoned property, except when adjacent to another
5641 use regulated under this chapter;

5642 c. the greater of fifty feet from the edge of any public street or the setback from
5643 residential zoned property on the far side of the street; and

5644 2. Offices, scale facilities, equipment storage buildings and stockpiles, including
5645 those for reclamation, shall not be closer than fifty feet from any property line except
5646 when adjacent to another use regulated under this chapter or M or F zoned property.

5647 Facilities necessary to control access to the site, when demonstrated to have no practical
5648 alternative, may be located closer to the property line;

5649 F. On-site clearing, grading or excavation, excluding that necessary for required
5650 access, roadway or storm drainage facility construction or activities in accordance with
5651 an approved reclamation plan, shall not be permitted within fifty feet of any property line
5652 except along any portion of the perimeter adjacent to another use regulated under this
5653 chapter or M or F zoned property. If native vegetation is restored, temporary disturbance

5654 resulting from construction of noise attenuation features located closer than fifty feet
5655 shall be permitted;

5656 G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except
5657 using only plantings native to the surrounding area, shall be provided along any portion
5658 of the site perimeter where site disturbances associated with a use regulated under this
5659 chapter are performed, except where adjacent to another use regulated under this chapter,
5660 forestry operation or M or F-zoned property;

5661 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82
5662 shall be applied; (~~and~~)

5663 I. Lighting shall:

5664 1. Be limited to that required for security, lighting of structures and equipment,
5665 and vehicle operations; and

5666 2. Not directly glare onto surrounding properties; and

5667 J. Uses, buildings, structures, storage of equipment and stockpile of materials not
5668 directly related to an approved mineral extraction use, reclamation plan or accessory use
5669 are prohibited.

5670 SECTION X. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045
5671 are hereby amended to read as follows:

5672 A. Within the following seven critical areas and their buffers all alterations are
5673 allowed if the alteration complies with the development standards, impact avoidance and
5674 mitigation requirements and other applicable requirements established in this chapter:

5675 1. Critical aquifer recharge area;

5676 2. Coal mine hazard area;

Commented [JC329]: In response to a 2022 Docket request and to help reduce impacts of mining operations, limits stockpiling of to other material processing products un-related to the mining activity on the site.

- 5677 3. Erosion hazard area;
- 5678 4. Flood hazard area except in the severe channel migration hazard area;
- 5679 5. Landslide hazard area under forty percent slope;
- 5680 6. Seismic hazard area; and
- 5681 7. Volcanic hazard areas.
- 5682 B. Within the following seven critical areas and their buffers, unless allowed as
- 5683 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
- 5684 subsection C. of this section are allowed if the alteration complies with conditions in
- 5685 subsection D. of this section and the development standards, impact avoidance and
- 5686 mitigation requirements and other applicable requirements established in this chapter:
- 5687 1. Severe channel migration hazard area;
- 5688 2. Landslide hazard area over forty percent slope;
- 5689 3. Steep slope hazard area;
- 5690 4. Wetland;
- 5691 5. Aquatic area;
- 5692 6. Wildlife habitat conservation area; and
- 5693 7. Wildlife habitat network.
- 5694 C. In the following table where an activity is included in more than one activity
- 5695 category, the numbered conditions applicable to the most specific description of the
- 5696 activity governs. Where more than one numbered condition appears for a listed activity,
- 5697 each of the relevant conditions specified for that activity within the given critical area
- 5698 applies. For alterations involving more than one critical area, compliance with the
- 5699 conditions applicable to each critical area is required.

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A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Habitat Conservation Area and Wildlife Habitat Network
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Forest management activity	A	A	A	A	A 25
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	

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Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or			A 32	A 32	A 4, 32

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surface water quality treatment facility					
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Beaver dam management			A 70	A 70	A 70
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57

Commented [JC330]: Scope III.B
Allows for management of beaver dams in accordance with new proposed changes and development conditions in the clearing/grading code

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Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or shoreline water oriented use				A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

- 5700 D. The following alteration conditions apply:
- 5701 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
- 5702 limitations of subsection D.3. of this section.
- 5703 2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that
- 5704 was created before January 1, 2005, if:
- 5705 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
- 5706 seventy-five percent of the lake frontage, whichever constitutes the most developable
- 5707 lake frontage, has existing density of four dwelling units per acre or more;
- 5708 b. the development proposal, including mitigation required by this chapter, will
- 5709 have the least adverse impact on the critical area;
- 5710 c. existing native vegetation within the critical area buffer will remain
- 5711 undisturbed except as necessary to accommodate the development proposal and required
- 5712 building setbacks;

- 5713 d. access is located to have the least adverse impact on the critical area and
5714 critical area buffer;
- 5715 e. the site alteration is the minimum necessary to accommodate the
5716 development proposal and in no case in excess of five thousand square feet;
- 5717 f. the alteration is no closer than:
- 5718 (1) on a site with a shoreline environment designation of high intensity or
5719 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots
5720 on either side of the subject property, as measured from the ordinary high water mark of
5721 the lake shoreline;
- 5722 (2) on a site with a shoreline environment designation of rural, conservancy,
5723 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent
5724 lots on either side of the subject property, as measured from the ordinary high water
5725 mark; and
- 5726 (3) on a site with a shoreline environment designation of natural, the greater
5727 of one hundred feet or the average of the setbacks on adjacent lots on either side of the
5728 subject property, as measured from the ordinary high water mark; and
- 5729 g. to the maximum extent practical, alterations are mitigated on the
5730 development proposal site by enhancing or restoring remaining critical area buffers.
- 5731 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
5732 buffers of wetlands or aquatic areas where:
- 5733 a. the site is predominantly used for the practice of agriculture;
- 5734 b. the structure is in compliance with an approved farm management plan in
5735 accordance with K.C.C. 21A.24.051;

5736 c. the structure is either:

5737 (1) on or adjacent to existing nonresidential impervious surface areas,
5738 additional impervious surface area is not created waterward of any existing impervious
5739 surface areas and the area was not used for crop production;

5740 (2) higher in elevation and no closer to the critical area than its existing
5741 position; or

5742 (3) at a location away from existing impervious surface areas that is
5743 determined to be the optimum site in the farm management plan;

5744 d. all best management practices associated with the structure specified in the
5745 farm management plan are installed and maintained;

5746 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
5747 require the development of a farm management plan if required best management
5748 practices are followed and the installation does not require clearing of critical areas or
5749 their buffers; and

5750 f. in a severe channel migration hazard area portion of an aquatic buffer only
5751 if:

5752 (1) there is no feasible alternative location on-site;

5753 (2) the structure is located where it is least subject to risk from channel
5754 migration;

5755 (3) the structure is not used to house animals or store hazardous substances;

5756 and

5757 (4) the total footprint of all accessory structures within the severe channel
5758 migration hazard area will not exceed the greater of one thousand square feet or two
5759 percent of the severe channel migration hazard area on the site.

5760 4. No clearing, external construction or other disturbance in a wildlife habitat
5761 conservation area is allowed during breeding seasons established under K.C.C.
5762 21A.24.382.

5763 5. Allowed for structures when:

- 5764 a. the landslide hazard poses little or no risk of injury;
- 5765 b. the risk of landsliding is low; and
- 5766 c. there is not an expansion of the structure.

5767 6. Within a severe channel migration hazard area allowed for:

5768 a. existing legally established primary structures if:

- 5769 (1) there is not an increase of the footprint of any existing structure; and
- 5770 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

5771 and

5772 b. existing legally established accessory structures if:

- 5773 (1) additions to the footprint will not make the total footprint of all existing
5774 structures more than one-thousand square feet; and

5775 (2) there is not an expansion of the footprint towards any source of channel
5776 migration hazard, unless the applicant demonstrates that the location is less subject to risk
5777 and has less impact on the critical area.

5778 7. Allowed only in grazed wet meadows or the buffer or building setback

5779 outside a severe channel migration hazard area if:

- 5780 a. the expansion or replacement does not increase the footprint of a
5781 nonresidential structure;
- 5782 b.(1) for a legally established dwelling unit, the expansion or replacement,
5783 including any expansion of a legally established accessory structure allowed under this
5784 subsection B.7.b., does not increase the footprint of the dwelling unit and all other
5785 structures by more than one thousand square feet, not including any expansion of a
5786 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent
5787 practical, the replacement or expansion of a drainfield in the buffer should be located
5788 within areas of existing lawn or landscaping, unless another location will have a lesser
5789 impact on the critical area and its buffer;
- 5790 (2) for a structure accessory to a dwelling unit, the expansion or replacement
5791 is located on or adjacent to existing impervious surface areas and does not result in a
5792 cumulative increase in the footprint of the accessory structure and the dwelling unit by
5793 more than one thousand square feet;
- 5794 (3) the location of the expansion has the least adverse impact on the critical
5795 area; and
- 5796 (4) a comparable area of degraded buffer area shall be enhanced through
5797 removal of nonnative plants and replacement with native vegetation in accordance with
5798 an approved landscaping plan;
- 5799 c. the structure was not established as the result of an alteration exception,
5800 variance, buffer averaging or reasonable use exception;

5801 d. to the maximum extent practical, the expansion or replacement is not
5802 located closer to the critical area or within the relic of a channel that can be connected to
5803 an aquatic area; and

5804 e. The expansion of a residential structure in the buffer of a Type S aquatic
5805 area that extends towards the ordinary high water mark requires a shoreline variance if:

5806 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

5807 (2) the expansion is between thirty-five and fifty feet of the ordinary high
5808 water mark and the area of the expansion extending towards the ordinary high water mark
5809 is greater than three hundred square feet.

5810 8. Allowed upon another portion of an existing impervious surface outside a
5811 severe channel migration hazard area if:

5812 a. except as otherwise allowed under subsection D.7. of this section, the
5813 structure is not located closer to the critical area;

5814 b. except as otherwise allowed under subsection D.7. of this section, the
5815 existing impervious surface within the critical area or buffer is not expanded; and

5816 c. the degraded buffer area is enhanced through removal of nonnative plants
5817 and replacement with native vegetation in accordance with an approved landscaping plan.

5818 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland
5819 or its buffer or along a lake shoreline or its buffer where:

5820 a. the vegetation where the alteration is proposed does not consist of dominant
5821 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
5822 of this vegetation is not the result of any violation of law;

5823 b. the wetland or lake shoreline is not a salmonid spawning area;

- 5824 c. hazardous substances or toxic materials are not used; and
- 5825 d. if located in a freshwater lake, the pier or dock conforms to the standards for
- 5826 docks under K.C.C. 21A.25.180.
- 5827 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
- 5828 materials are not used.
- 5829 11. Allowed on type S or F aquatic areas outside of the severe channel
- 5830 migration hazard area if in compliance with K.C.C. 21A.25.180.
- 5831 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.
- 5832 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
- 5833 grading activity.
- 5834 14. The following are allowed in the severe channel migration hazard area if
- 5835 conducted more than one hundred sixty-five feet from the ordinary high water mark in
- 5836 the rural area and natural resource lands and one-hundred fifteen feet from the ordinary
- 5837 high water mark in the urban area:
- 5838 a. grading of up to fifty cubic yards on lot less than five acres; and
- 5839 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
- 5840 percent of the severe channel migration hazard area.
- 5841 15. Only where erosion or landsliding threatens a structure, utility facility,
- 5842 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
- 5843 practical, stabilization work does not disturb the slope and its vegetative cover and any
- 5844 associated critical areas.
- 5845 16. Allowed when performed by, at the direction of or authorized by a
- 5846 government agency in accordance with regional road maintenance guidelines.

5847 17. Allowed when not performed under the direction of a government agency
5848 only if:

5849 a. the maintenance or expansion does not involve the use of herbicides,
5850 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands
5851 or their buffers; and

5852 b. when maintenance, expansion or replacement of bridges or culverts involves
5853 water used by salmonids:

5854 (1) the work is in compliance with ditch standards in public rule; and

5855 (2) the maintenance of culverts is limited to removal of sediment and debris
5856 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
5857 damaged bank or channel immediately adjacent to the culvert and shall not involve the
5858 excavation of a new sediment trap adjacent to the inlet.

5859 18. Allowed for the removal of hazard trees and vegetation as necessary for
5860 surveying or testing purposes.

5861 19. The limited trimming, pruning or removal of vegetation under a vegetation
5862 management plan approved by the department:

5863 a. in steep slope and landslide hazard areas, for the making and maintenance of
5864 view corridors; and

5865 b. in all critical areas for habitat enhancement, invasive species control or
5866 forest management activities.

5867 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or
5868 fruits, for restoration and enhancement projects is allowed.

5869 21. Cutting of firewood is subject to the following:

- 5870 a. within a wildlife habitat conservation area, cutting firewood is not allowed;
- 5871 b. within a wildlife network, cutting shall be in accordance with a management
- 5872 plan approved under K.C.C. 21A.24.386; and
- 5873 c. within a critical area buffer, cutting shall be for personal use and in
- 5874 accordance with an approved forest management plan or rural stewardship plan.
- 5875 22. Allowed only in buffers if in accordance with ~~((best management practices~~
- 5876 ~~approved by the King County fire marshal))~~ in accordance with K.C.C. chapter 16.82. A
- 5877 permit is required unless the alteration occurs within a wetland buffer or aquatic area
- 5878 buffer within thirty feet of a structure containing habitable space in accordance with
- 5879 K.C.C. 16.82.
- 5880 23. Allowed as follows:
- 5881 a. if conducted in accordance with an approved forest management plan, farm
- 5882 management plan or rural stewardship plan; or
- 5883 b. without an approved forest management plan, farm management plan or
- 5884 rural stewardship plan, only if:
- 5885 (1) removal is undertaken with hand labor, including hand-held mechanical
- 5886 tools, unless the King County noxious weed control board otherwise prescribes the use of
- 5887 riding mowers, light mechanical cultivating equipment or herbicides or biological control
- 5888 methods;
- 5889 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;
- 5890 (3) the cleared area is revegetated with native vegetation and stabilized
- 5891 against erosion; and
- 5892 (4) herbicide use is in accordance with federal and state law;

Commented [JC331]: Scope III.A.6.
Changes to support wildfire preparedness; related to
clearing/grading code changes earlier in this ordinance

5893 24. Allowed to repair or replace existing on site wastewater disposal systems in
5894 accordance with the applicable public health standards within Marine Recovery Areas
5895 adopted by ~~((the Public))~~ Public Health – Seattle & King County and:

- 5896 a. there is no alternative location available with less impact on the critical area;
5897 b. impacts to the critical area are minimized to the maximum extent
5898 practicable;
5899 c. the alterations will not subject the critical area to increased risk of landslide
5900 or erosion;
5901 d. vegetation removal is the minimum necessary to accommodate the septic
5902 system; and
5903 e. significant risk of personal injury is eliminated or minimized in the landslide
5904 hazard area.

5905 25. Only if in compliance with published Washington state Department of Fish
5906 and Wildlife and Washington state Department of Natural Resources Management
5907 standards for the species. If there are no published Washington state standards, only if in
5908 compliance with management standards determined by the county to be consistent with
5909 best available science.

- 5910 26. Allowed only if:
5911 a. there is not another feasible location with less adverse impact on the critical
5912 area and its buffer;
5913 b. the corridor is not located over habitat used for salmonid rearing or
5914 spawning or by a species listed as endangered or threatened by the state or federal
5915 government unless the department determines that there is no other feasible crossing site.

- 5916 c. the corridor width is minimized to the maximum extent practical;
- 5917 d. the construction occurs during approved periods for instream work;
- 5918 e. the corridor will not change or diminish the overall aquatic area flow peaks,
- 5919 duration or volume or the flood storage capacity; and
- 5920 f. no new public right-of-way is established within a severe channel migration
- 5921 hazard area.

5922 27. To the maximum extent practical, during breeding season established under
5923 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
5924 equipment are not operated within a wildlife habitat conservation area.

5925 28. Allowed only if:

- 5926 a. an alternative access is not available;
- 5927 b. impact to the critical area is minimized to the maximum extent practical
- 5928 including the use of walls to limit the amount of cut and fill necessary;
- 5929 c. the risk associated with landslide and erosion is minimized;
- 5930 d. access is located where it is least subject to risk from channel migration; and
- 5931 e. construction occurs during approved periods for instream work.

5932 29. Only if in compliance with a farm management plan in accordance with
5933 K.C.C. 21A.24.051.

5934 30. Allowed only if:

- 5935 a. the new construction or replacement is made fish passable in accordance
- 5936 with the most recent Washington state Department of Fish and Wildlife manuals or with
- 5937 the National Marine and Fisheries Services guidelines for federally listed salmonid
- 5938 species; and

- 5939 b. the site is restored with appropriate native vegetation.
- 5940 31. Allowed if necessary to bring the bridge or culvert up to current standards
- 5941 and if:
- 5942 a. there is not another feasible alternative available with less impact on the
- 5943 aquatic area and its buffer; and
- 5944 b. to the maximum extent practical, the bridge or culvert is located to minimize
- 5945 impacts to the aquatic area and its buffers.
- 5946 32. Allowed in an existing roadway if conducted consistent with the regional
- 5947 road maintenance guidelines.
- 5948 33. Allowed outside the roadway if:
- 5949 a. the alterations will not subject the critical area to an increased risk of
- 5950 landslide or erosion;
- 5951 b. vegetation removal is the minimum necessary to locate the utility or
- 5952 construct the corridor; and
- 5953 c. significant risk of personal injury is eliminated or minimized in the landslide
- 5954 hazard area.
- 5955 34. Limited to the pipelines, cables, wires and support structures of utility
- 5956 facilities within utility corridors if:
- 5957 a. there is no alternative location with less adverse impact on the critical area
- 5958 and critical area buffer;
- 5959 b. new utility corridors meet the all of the following to the maximum extent
- 5960 practical:

5961 (1) are not located over habitat used for salmonid rearing or spawning or by a
5962 species listed as endangered or threatened by the state or federal government unless the
5963 department determines that there is no other feasible crossing site;

5964 (2) the mean annual flow rate is less than twenty cubic feet per second; and

5965 (3) paralleling the channel or following a down-valley route near the channel
5966 is avoided;

5967 c. to the maximum extent practical utility corridors are located so that:

5968 (1) the width is the minimized;

5969 (2) the removal of trees greater than twelve inches diameter at breast height is
5970 minimized;

5971 (3) an additional, contiguous and undisturbed critical area buffer, equal in
5972 area to the disturbed critical area buffer area including any allowed maintenance roads, is
5973 provided to protect the critical area;

5974 d. to the maximum extent practical, access for maintenance is at limited access
5975 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
5976 maintenance road is necessary the following standards are met:

5977 (1) to the maximum extent practical the width of the maintenance road is
5978 minimized and in no event greater than fifteen feet; and

5979 (2) the location of the maintenance road is contiguous to the utility corridor
5980 on the side of the utility corridor farthest from the critical area;

5981 e. the utility corridor or facility will not adversely impact the overall critical
5982 area hydrology or diminish flood storage capacity;

5983 f. the construction occurs during approved periods for instream work;

5984 g. the utility corridor serves multiple purposes and properties to the maximum
5985 extent practical;

5986 h. bridges or other construction techniques that do not disturb the critical areas
5987 are used to the maximum extent practical;

5988 i. bored, drilled or other trenchless crossing is laterally constructed at least four
5989 feet below the maximum depth of scour for the base flood;

5990 j. bridge piers or abutments for bridge crossing are not placed within the
5991 FEMA floodway or the ordinary high water mark;

5992 k. open trenching is only used during low flow periods or only within aquatic
5993 areas when they are dry. The department may approve open trenching of type S or F
5994 aquatic areas only if there is not a feasible alternative and equivalent or greater
5995 environmental protection can be achieved; and

5996 l. minor communication facilities may collocate on existing utility facilities if:

5997 (1) no new transmission support structure is required; and

5998 (2) equipment cabinets are located on the transmission support structure.

5999 35. Allowed only for new utility facilities in existing utility corridors.

6000 36. Allowed for onsite private individual utility service connections or private
6001 or public utilities if the disturbed area is not expanded and no hazardous substances,
6002 pesticides or fertilizers are applied.

6003 37. Allowed if the disturbed area is not expanded, clearing is limited to the
6004 maximum extent practical and no hazardous substances, pesticides or fertilizers are
6005 applied.

6006 38. Allowed if:

6007 a. conveying the surface water into the wetland or aquatic area buffer and
6008 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
6009 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
6010 than if the surface water were discharged at the buffer's edge and allowed to naturally
6011 drain through the buffer;

6012 b. the volume of discharge is minimized through application of low impact
6013 development and water quality measures identified in the King County Surface Water
6014 Design Manual;

6015 c. the conveyance and outfall are installed with hand equipment where
6016 feasible;

6017 d. the outfall shall include bioengineering techniques where feasible; and

6018 e. the outfall is designed to minimize adverse impacts to critical areas.

6019 39. Allowed only if:

6020 a. there is no feasible alternative with less impact on the critical area and its
6021 buffer;

6022 b. to the maximum extent practical, the bridge or culvert is located to minimize
6023 impacts to the critical area and its buffer;

6024 c. the bridge or culvert is not located over habitat used for salmonid rearing or
6025 spawning unless there is no other feasible crossing site;

6026 d. construction occurs during approved periods for in-stream work; and

6027 e. bridge piers or abutments for bridge crossings are not placed within the
6028 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
6029 water mark.

- 6030 40. Allowed for an open, vegetated stormwater management conveyance system
6031 and outfall structure that simulates natural conditions if:
- 6032 a. fish habitat features necessary for feeding, cover and reproduction are
6033 included when appropriate;
 - 6034 b. vegetation is maintained and added adjacent to all open channels and ponds,
6035 if necessary to prevent erosion, filter out sediments or shade the water; and
 - 6036 c. bioengineering techniques are used to the maximum extent practical.
- 6037 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 6038 a. necessary to avoid erosion of slopes; and
 - 6039 b. bioengineering techniques are used to the maximum extent practical.
- 6040 42. Allowed in a severe channel migration hazard area or an aquatic area buffer
6041 to prevent bank erosion only:
- 6042 a. if consistent with the Integrated Streambank Protection Guidelines
6043 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
6044 techniques are used to the maximum extent practical, unless the applicant demonstrates
6045 that other methods provide equivalent structural stabilization and environmental function;
 - 6046 b. based on a critical areas report, the department determines that the new
6047 flood protection facility will not cause significant impacts to upstream or downstream
6048 properties; and
 - 6049 c. to prevent bank erosion for the protection of:
 - 6050 (1) public roadways;
 - 6051 (2) sole access routes in existence before February 16, 1995;

6052 (3) new primary dwelling units, accessory dwelling units or accessory living
6053 quarters and residential accessory structures located outside the severe channel migration
6054 hazard area if:

6055 (a) the site is adjacent to or abutted by properties on both sides containing
6056 buildings or sole access routes protected by legal bank stabilization in existence before
6057 February 16, 1995. The buildings, sole access routes or bank stabilization must be
6058 located no more than six hundred feet apart as measured parallel to the migrating
6059 channel; and

6060 (b) the new primary dwelling units, accessory dwelling units, accessory
6061 living quarters or residential accessory structures are located no closer to the aquatic area
6062 than existing primary dwelling units, accessory dwelling units, accessory living quarters
6063 or residential accessory structures on abutting or adjacent properties; or

6064 (4) existing primary dwelling units, accessory dwelling units, accessory living
6065 quarters or residential accessory structures if:

6066 (a) the structure was in existence before the adoption date of a King County
6067 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

6068 (b) the structure is in imminent danger, as determined by a geologist,
6069 engineering geologist or geotechnical engineer;

6070 (c) the applicant has demonstrated that the existing structure is at risk, and
6071 the structure and supporting infrastructure cannot be relocated on the lot further from the
6072 source of channel migration; and

6073 (d) nonstructural measures are not feasible.

6074 43. Applies to lawfully established existing structures if:

6075 a. the height of the facility is not increased, unless the facility is being replaced
6076 in a new alignment that is landward of the previous alignment and enhances aquatic area
6077 habitat and process;

6078 b. the linear length of the facility is not increased, unless the facility is being
6079 replaced in a new alignment that is landward of the previous alignment and enhances
6080 aquatic area habitat and process;

6081 c. the footprint of the facility is not expanded waterward;

6082 d. consistent with the Integrated Streambank Protection Guidelines
6083 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
6084 techniques are used to the maximum extent practical;

6085 e. the site is restored with appropriate native vegetation and erosion protection
6086 materials; and

6087 f. based on a critical areas report, the department determines that the
6088 maintenance, repair, replacement or construction will not cause significant impacts to
6089 upstream or downstream properties.

6090 44. Allowed in type N and O aquatic areas if done in least impacting way at
6091 least impacting time of year, in conformance with applicable best management practices,
6092 and all affected instream and buffer features are restored.

6093 45. Allowed in a type S or F water when such work is:

6094 a. included as part of a project to evaluate, restore or improve habitat, and

6095 b. sponsored or cosponsored by a public agency that has natural resource
6096 management as a function or by a federally recognized tribe.

6097 46. Allowed as long as the trail is not constructed of impervious surfaces that
6098 will contribute to surface water run-off, unless the construction is necessary for soil
6099 stabilization or soil erosion prevention or unless the trail system is specifically designed
6100 and intended to be accessible to handicapped persons.

6101 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in
6102 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,
6103 if:

6104 a. the trail surface is made of pervious materials, except that public
6105 multipurpose trails may be made of impervious materials if they meet all the
6106 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
6107 be constructed as a raised boardwalk or bridge;

6108 b. to the maximum extent practical, buffers are expanded equal to the width of
6109 the trail corridor including disturbed areas;

6110 c. there is not another feasible location with less adverse impact on the critical
6111 area and its buffer;

6112 d. the trail is not located over habitat used for salmonid rearing or spawning or
6113 by a species listed as endangered or threatened by the state or federal government unless
6114 the department determines that there is no other feasible crossing site;

6115 e. the trail width is minimized to the maximum extent practical;

6116 f. the construction occurs during approved periods for instream work; and

6117 g. the trail corridor will not change or diminish the overall aquatic area flow
6118 peaks, duration or volume or the flood storage capacity.

6119 h. the trail may be located across a critical area buffer for access to a viewing
6120 platform or to a permitted dock or pier;

6121 i. A private viewing platform may be allowed if it is:

6122 (1) located upland from the wetland edge or the ordinary high water mark of
6123 an aquatic area;

6124 (2) located where it will not be detrimental to the functions of the wetland or
6125 aquatic area and will have the least adverse environmental impact on the critical area or
6126 its buffer;

6127 (3) limited to fifty square feet in size;

6128 (4) constructed of materials that are nontoxic; and

6129 (5) on footings located outside of the wetland or aquatic area.

6130 48. Only if the maintenance:

6131 a. does not involve the use of herbicides or other hazardous substances except
6132 for the removal of noxious weeds or invasive vegetation;

6133 b. when salmonids are present, the maintenance is in compliance with ditch
6134 standards in public rule; and

6135 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
6136 culvert, engineered slope or other improved area being maintained.

6137 49. Limited to alterations to restore habitat forming processes or directly restore
6138 habitat function and value, including access for construction, as follows:

6139 a. projects sponsored or cosponsored by a public agency that has natural
6140 resource management as a primary function or by a federally recognized tribe;

6141 b. restoration and enhancement plans prepared by a qualified biologist; or

6142 c. conducted in accordance with an approved forest management plan, farm
6143 management plan or rural stewardship plan.

6144 50. Allowed in accordance with a scientific sampling permit issued by
6145 Washington state Department of Fish and Wildlife or an incidental take permit issued
6146 under Section 10 of the Endangered Species Act.

6147 51. Allowed for the minimal clearing and grading, including site access,
6148 necessary to prepare critical area reports.

6149 52. The following are allowed if associated spoils are contained:

6150 a. data collection and research if carried out to the maximum extent practical
6151 by nonmechanical or hand-held equipment;

6152 b. survey monument placement;

6153 c. site exploration and gage installation if performed in accordance with state-
6154 approved sampling protocols and accomplished to the maximum extent practical by
6155 hand-held equipment and; or similar work associated with an incidental take permit
6156 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of
6157 the Endangered Species Act.

6158 53. Limited to activities in continuous existence since January 1, 2005, with no
6159 expansion within the critical area or critical area buffer. "Continuous existence" includes
6160 cyclical operations and managed periods of soil restoration, enhancement or other fallow
6161 states associated with these horticultural and agricultural activities.

6162 54. Allowed for expansion of existing or new agricultural activities where:

6163 a. the site is predominantly involved in the practice of agriculture;

6164 b. there is no expansion into an area that:

6165 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
6166 practice permit; or

6167 (2) is more than ten thousand square feet with tree cover at a uniform density
6168 more than ninety trees per acre and with the predominant mainstream diameter of the
6169 trees at least four inches diameter at breast height, not including areas that are actively
6170 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery
6171 stock;

6172 c. the activities are in compliance with an approved farm management plan in
6173 accordance with K.C.C. 21A.24.051; and

6174 d. all best management practices associated with the activities specified in the
6175 farm management plan are installed and maintained.

6176 55. Only allowed in grazed or tilled wet meadows or their buffers if:

6177 a. the facilities are designed to the standards of an approved farm management
6178 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
6179 accordance with K.C.C. chapter 21A.30;

6180 b. there is not a feasible alternative location available on the site; and

6181 c. the facilities are located close to the outside edge of the buffer to the
6182 maximum extent practical.

6183 56. Only allowed in:

6184 a.(1) a severe channel migration hazard area located outside of the shorelines
6185 jurisdiction area;

6186 (2) grazed or tilled wet meadow or wet meadow buffer; or

6187 (3) aquatic area buffer; and only if:

6188 b.(1) the applicant demonstrates that adverse impacts to the critical area and
6189 critical area buffers have been minimized;

6190 (2) there is not another feasible location available on the site that is located
6191 outside of the critical area or critical area buffer;

6192 (3) the farm pad is designed to the standards in an approved farm
6193 management plan in accordance with K.C.C. 21A.24.051; and

6194 (4) for proposals located in the severe channel migration hazard area, the
6195 farm pad or livestock manure storage facility is located where it is least subject to risk
6196 from channel migration.

6197 57. Allowed for new agricultural drainage in compliance with an approved farm
6198 management plan in accordance with K.C.C. 21A.24.051 and all best management
6199 practices associated with the activities specified in the farm management plan are
6200 installed and maintained.

6201 58. If the agricultural drainage is used by salmonids, maintenance shall be in
6202 compliance with an approved farm management plan in accordance with K.C.C.
6203 21A.24.051.

6204 59. Allowed within existing landscaped areas or other previously disturbed
6205 areas.

6206 60. Allowed for residential utility service distribution lines to residential
6207 dwellings, including, but not limited to, well water conveyance, septic system
6208 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

6209 a. there is no alternative location with less adverse impact on the critical area
6210 or the critical area buffer;

6211 b. the residential utility service distribution lines meet the all of the following,
6212 to the maximum extent practical:

6213 (1) are not located over habitat used for salmonid rearing or spawning or by a
6214 species listed as endangered or threatened by the state or federal government unless the
6215 department determines that there is no other feasible crossing site;

6216 (2) not located over a type S aquatic area;

6217 (3) paralleling the channel or following a down-valley route near the channel
6218 is avoided;

6219 (4) the width of clearing is minimized;

6220 (5) the removal of trees greater than twelve inches diameter at breast height is
6221 minimized;

6222 (6) an additional, contiguous and undisturbed critical area buffer, equal in
6223 area to the disturbed critical area buffer area is provided to protect the critical area;

6224 (7) access for maintenance is at limited access points into the critical area
6225 buffer.

6226 (8) the construction occurs during approved periods for instream work;

6227 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
6228 laterally constructed at least four feet below the maximum depth of scour for the base
6229 flood; and

6230 (10) open trenching across Type O or Type N aquatic areas is only used
6231 during low flow periods or only within aquatic areas when they are dry.

6232 61. Allowed if sponsored or cosponsored by the countywide flood control zone
6233 district and the department determines that the project and its location:

- 6234 a. is the best flood risk reduction alternative practicable;
- 6235 b. is part of a comprehensive, long-term flood management strategy;
- 6236 c. is consistent with the King County Flood Hazard Management Plan policies;
- 6237 d. will have the least adverse impact on the ecological functions of the critical
- 6238 area or its buffer, including habitat for fish and wildlife that are identified for protection
- 6239 in the King County Comprehensive Plan; and
- 6240 e. has been subject to public notice in accordance with K.C.C. 20.44.060.
- 6241 62.a. Not allowed in wildlife habitat conservation areas;
- 6242 b. Only allowed if:
- 6243 (1) the project is sponsored or cosponsored by a public agency whose primary
- 6244 function deals with natural resources management;
- 6245 (2) the project is located on public land or on land that is owned by a
- 6246 nonprofit agency whose primary function deals with natural resources management;
- 6247 (3) there is not a feasible alternative location available on the site with less
- 6248 impact to the critical area or its associated buffer;
- 6249 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 6250 (5) the project minimizes the footprint of structures and the number of access
- 6251 points to any critical areas; and
- 6252 (6) the project meets the following design criteria:
- 6253 (a) to the maximum extent practical size of platform shall not exceed one
- 6254 hundred square feet;
- 6255 (b) all construction materials for any structures, including the platform,
- 6256 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as

6257 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
6258 fiberglass or cured concrete that the department determines will not have an adverse
6259 impact on water quality;

6260 (c) the exterior of any structures are sufficiently camouflaged using netting
6261 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
6262 practical. The camouflage shall be maintained to retain concealment effectiveness;

6263 (d) structures shall be located outside of the wetland or aquatic area
6264 landward of the Ordinary High Water Mark or open water component (if applicable) to
6265 the maximum extent practical on the site;

6266 (e) construction occurs during approved periods for work inside the
6267 Ordinary High Water Mark;

6268 (f) construction associated with bird blinds shall not occur from March 1
6269 through August 31, in order to avoid disturbance to birds during the breeding, nesting and
6270 rearing seasons;

6271 (g) to the maximum extent practical, provide accessibility for persons with
6272 physical disabilities in accordance with the International Building Code;

6273 (h) trail access is designed in accordance with public rules adopted by the
6274 department;

6275 (i) existing native vegetation within the critical area will remain undisturbed
6276 except as necessary to accommodate the proposal. Only minimal hand clearing of
6277 vegetation is allowed; and

6278 (j) disturbed bare ground areas around the structure must be replanted with
6279 native vegetation approved by the department.

6280 63. Not allowed in the severe channel migration zone, there is no alternative
6281 location with less adverse impact on the critical area and buffer and clearing is minimized
6282 to the maximum extent practical.

6283 64. Only structures wholly or partially supported by a tree and used as accessory
6284 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
6285 following:

6286 a. not allowed in wildlife habitat conservation areas or severe channel
6287 migration hazard areas;

6288 b. the structure's floor area shall not exceed two hundred square feet, excluding
6289 a narrow access stairway or landing leading to the structure;

6290 c. the structure shall be located as far from the critical area as practical, but in
6291 no case closer than seventy-five feet from the critical area;

6292 d. only one tree-supported structure within a critical area buffer is allowed on a
6293 lot;

6294 e. all construction materials for the structure, including the platform, pilings,
6295 exterior and interior walls and roof, shall be constructed of nontoxic material, such as
6296 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
6297 fiberglass or cured concrete that the department determines will not have an adverse
6298 impact on water quality;

6299 f. to the maximum extent practical, the exterior of the structure shall be
6300 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
6301 and visibility from the critical area. The camouflage shall be maintained to retain
6302 concealment effectiveness;

6303 g. the structure must not adversely impact the long-term health and viability of
6304 the tree. The evaluation shall include, but not be limited to, the following:

6305 (1) the quantity of supporting anchors and connection points to attach the tree
6306 house to the tree shall be the minimum necessary to adequately support the structure;

6307 (2) the attachments shall be constructed using the best available tree anchor
6308 bolt technology; and

6309 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement
6310 of the tree house and shall submit a report discussing how the tree's long-term health and
6311 viability will not be negatively impacted by the tree house or associated infrastructure;

6312 h. exterior lighting shall meet the following criteria:

6313 (1) limited to the minimum quantity of lights necessary to meet the building
6314 code requirements to allow for safe exiting of the structure and stairway; and

6315 (2) exterior lights shall be fully shielded and shall direct light downward, in
6316 an attempt to minimize impacts to the nighttime environment;

6317 i. unless otherwise approved by the department, all external construction shall
6318 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
6319 species during typical breeding, nesting and rearing seasons;

6320 j. trail access to the structure shall be designed in accordance with trail
6321 standards under subsection D.47. of this section;

6322 k. to the maximum extent practical, existing native vegetation shall be left
6323 undisturbed. Only minimal hand clearing of vegetation is allowed; and

6324 l. vegetated areas within the critical area buffer that are temporarily impacted
6325 by construction of the structure shall be restored by planting native vegetation according
6326 to a vegetation management plan approved by the department.

6327 65. Shoreline water dependent and shoreline water oriented uses are allowed in
6328 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.
6329 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

6330 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
6331 21A.08.100B.14., and only as follows:

6332 a. there is not another feasible location within the aquatic area with less adverse
6333 impact on the critical area and its buffer;

6334 b. the facility and corridor is not located over habitat used for salmonid rearing
6335 or spawning or by a species listed as endangered or threatened by the state or federal
6336 government unless the department determines that there is no other feasible location;

6337 c. the facility is not located in Category I wetlands or Category II wetlands with
6338 a habitat score of 8 points or greater;

6339 d. the corridor width is minimized to the maximum extent practical;

6340 e. paralleling the channel or following a down-valley route within an aquatic
6341 area buffer is avoided to the maximum extent practical;

6342 f. the construction occurs during approved periods for instream work;

6343 g. the facility and corridor will not change or adversely impact the overall
6344 aquatic area flow peaks, duration or volume or the flood storage capacity;

6345 h. the facility and corridor is not located within a severe channel migration
6346 hazard area;

6347 i. to the maximum extent practical, buildings will be located outside the buffer
6348 and away from the aquatic area or wetland;

6349 j. to the maximum extent practical, access for maintenance is at limited access
6350 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
6351 maintenance road is necessary the following standards are met:

6352 (1) to the maximum extent practical the width of the maintenance road is
6353 minimized and in no event greater than fifteen feet; and

6354 (2) the location of the maintenance road is contiguous to the utility corridor
6355 on the side of the utility corridor farthest from the critical area;

6356 k. the facility does not pose an unreasonable threat to the public health, safety
6357 or welfare on or off the development proposal site and is consistent with the general
6358 purposes of this chapter and the public interest; and

6359 l. the facility connects to or is an alteration to a public roadway, public trail, a
6360 utility corridor or utility facility or other infrastructure owned or operated by a public
6361 utility.

6362 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.
6363 21A.08.100.B.14, and only as follows:

6364 a. there is not another feasible location with less adverse impact on the critical
6365 area and its buffer;

6366 b. the alterations will not subject the critical area to an increased risk of
6367 landslide or erosion;

6368 c. the corridor width is minimized to the maximum extent practical;

6369 d. vegetation removal is the minimum necessary to locate the utility or
6370 construct the corridor;

6371 e. the facility and corridor do not pose an unreasonable threat to the public
6372 health, safety or welfare on or off the development proposal site and is consistent with the
6373 general purposes of this chapter, and the public interest and significant risk of personal
6374 injury is eliminated or minimized in the landslide hazard area; and

6375 f. the facility connects to or is an alteration to a public roadway, public trail, a
6376 utility corridor or utility facility or other infrastructure owned or operated by a public
6377 utility.

6378 68. Only for a single detached dwelling unit on a lake twenty acres or larger
6379 and only as follows:

6380 a. the heat exchanger must be a closed loop system that does not draw water
6381 from or discharge to the lake;

6382 b. the lake bed shall not be disturbed, except as required by the county or a
6383 state or federal agency to mitigate for impacts of the heat exchanger;

6384 c. the in-water portion of system is only allowed where water depth exceeds
6385 six feet; and

6386 d. system structural support for the heat exchanger piping shall be attached to
6387 an existing dock or pier or be attached to a new structure that meets the requirements of
6388 K.C.C. 21A.25.180.

6389 69. Only for maintenance of agricultural waterways if:

6390 a. the purpose of the maintenance project is to improve agricultural production
6391 on a site predominately engaged in the practice of agriculture;

6392 b. the maintenance project is conducted in compliance with a hydraulic project
6393 approval issued by the Washington state Department of Fish and Wildlife pursuant to
6394 chapter 77.55 RCW;

6395 c. the maintenance project complies with the King County agricultural
6396 drainage assistance program as agreed to by the Washington state Department of Fish and
6397 Wildlife, the department of local services, permitting division, and the department of
6398 natural resources and parks, and as reviewed by the Washington state Department of
6399 Ecology;

6400 d. the person performing the maintenance and the land owner have attended
6401 training provided by King County on the King County agricultural drainage assistance
6402 program and the best management practices required under that program; and

6403 e. the maintenance project complies with K.C.C. chapter 16.82.

6404 70. Only in accordance with K.C.C. chapter 16.82.

6405 SECTION X. Ordinance 10870, Section 469, as amended, and K.C.C. 21A.24.220
6406 are hereby amended to read as follows:

6407 The following development standards apply to development proposals and
6408 alterations on sites containing erosion hazard areas:

6409 A. Clearing in an erosion hazard area is allowed only from April 1 to October 1,
6410 except that:

6411 1. Clearing of up to fifteen-thousand square feet within the erosion hazard area
6412 may occur at any time on a lot;

6413 2. Clearing of noxious weeds may occur at any time; and

Commented [JC332]: Scope III.B

Allows for management of beaver dams in accordance with new proposed changes and development conditions in the clearing/grading code

6414 3. Forest practices regulated by the department are allowed at any time in
6415 accordance with a clearing and grading permit if the harvest is in conformance with
6416 chapter 76.09 RCW and Title 222 WAC;

6417 B. All subdivisions, short subdivisions(~~(s)~~) or binding site plans (~~(or urban~~
6418 ~~planned developments)~~) on sites with erosion hazard areas shall retain existing vegetation
6419 in all erosion hazard areas until building permits are approved for development on
6420 individual lots. The department may approve clearing of vegetation on lots if:

- 6421 1. The clearing is a necessary part of a large scale grading plan; and
6422 2. It is not feasible to perform the grading on an individual lot basis; and

6423 C. If the department determines that erosion from a development site poses a
6424 significant risk of damage to downstream wetlands or aquatic areas, based either on the
6425 size of the project, the proximity to the receiving water or the sensitivity of the receiving
6426 water, the applicant shall provide regular monitoring of surface water discharge from the
6427 site. If the project does not meet water quality standards established by law or public
6428 rules, the county may suspend further development work on the site until such standards
6429 are met.

6430 SECTION X. Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240
6431 are hereby amended to read as follows:

6432 The following development standards apply to floodplain development and
6433 alterations on sites within the zero-rise flood fringe:

6434 A. Floodplain development and alterations shall not reduce the effective base flood
6435 storage volume of the floodplain. Floodplain development shall provide compensatory
6436 storage if grading or other activity displaces any effective flood storage volume.

Commented [JC333]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

6437 Compensatory storage is not required for grading or fill placed within the foundation of an
6438 existing residential building to bring the interior foundation grade to the same level as the
6439 lowest adjacent exterior grade. Compensatory storage shall:

6440 1. Provide equivalent volume at equivalent elevations to that which is being
6441 displaced. For this purpose, equivalent elevations means having similar relationship to
6442 ordinary high water and to the best available ten-year, fifty-year and one-hundred-year water
6443 surface profiles. If the difference between the fifty-year and the one-hundred-year surface
6444 profiles is less than one foot, equivalent elevations means having similar relationships to
6445 ordinary high water and to the best available ten-year and one-hundred-year water surface
6446 profiles;

6447 2. Hydraulically connect to the source of flooding;

6448 3. Provide compensatory storage in the same construction season as when the
6449 displacement of flood storage volume occurs and before the flood season begins on
6450 September 30 for that year;

6451 4. Occur on the site. The director may approve equivalent compensatory storage
6452 off the site if legal arrangements, acceptable to the department, are made to ensure that the
6453 effective compensatory storage volume will be preserved over time; and

6454 5. The director may approve of off-site compensatory storage through a
6455 compensatory storage bank managed by the department of natural resources and parks;

6456 B. A structural engineer shall design and certify all elevated buildings and submit
6457 the design to the department;

6458 C. A civil engineer shall prepare a base flood depth and base flood velocity analysis
6459 and submit the analysis to the department. A base flood depth and base flood velocity

6460 analysis is not required for agricultural buildings. Floodplain development and alterations
6461 are not allowed if the base flood depth exceeds three feet and the base flood velocity
6462 exceeds three feet per second, except for the following projects:

- 6463 1. Agricultural structures and farm pads;
- 6464 2. Roads and bridges;
- 6465 3. Utilities;
- 6466 4. Surface water flow control or surface water conveyance systems;
- 6467 5. Public park structures; and
- 6468 6. Flood hazard mitigation projects, such as, but not limited to construction, repair
6469 or replacement of flood protection facilities or for building elevations or relocations;

6470 D. Subdivisions, short subdivisions (~~(urban planned developments~~) and binding
6471 site plans should be consistent with the need to minimize flood damage within the flood
6472 hazard area and shall meet the following requirements:

- 6473 1. New building lots shall include five thousand square feet or more of buildable
6474 land outside the zero-rise floodway;
- 6475 2. All public infrastructure and utilities such as sewer, gas, electrical and water
6476 systems are consistent with subsection J. of this section;
- 6477 3. A civil engineer shall prepare detailed base flood elevations in accordance with
6478 FEMA guidelines for all new lots;
- 6479 4. A development proposal shall provide adequate drainage in accordance with the
6480 King County Surface Water Design Manual to reduce exposure to flood damage; and
- 6481 5. The face of the recorded subdivision, short subdivision (~~(urban planned~~
6482 ~~development~~) or binding site plan shall include the following for all lots:

Commented [JC334]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC335]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

- 6483 a. setback areas restricting structures to designated buildable areas;
- 6484 b. base flood data and sources and flood hazard notes including, but not limited
- 6485 to, base flood elevation, required flood protection elevations, the boundaries of the
- 6486 floodplain and the zero-rise floodway, if determined, and channel migration zone
- 6487 boundaries, if determined; and
- 6488 c. include the following notice:
- 6489 "Lots and buildings located within flood hazard areas may be inaccessible by
- 6490 emergency vehicles during flood events. Residents and property owners should take
- 6491 appropriate advance precautions.";
- 6492 E. New, substantially improved or converted residential buildings and flood
- 6493 mitigation home elevations shall meet the following standards:
- 6494 1. Elevate the lowest floor, including basement, to or above the flood protection
- 6495 elevation;
- 6496 2. Fully enclosed areas below the lowest floor and below the flood protection
- 6497 elevation, including crawlspaces or attached garages, shall be designed to automatically
- 6498 equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of
- 6499 floodwaters. Designs for meeting this requirement must either be certified by a registered
- 6500 professional engineer or architect or meet or exceed the following:
- 6501 a. a minimum of two openings having a net total area of no less than one square
- 6502 inch for every one square foot of enclosed space shall be provided. The openings shall be
- 6503 located on at least two opposite-side walls in the direction of flow;
- 6504 b. the bottom of all openings shall not be higher than one foot above the adjacent
- 6505 grade;

- 6506 c. openings may be equipped with screens, louvers, valves or other coverings or
6507 devices, but only if they allow the automatic entry and exit of floodwaters; and
- 6508 d. if a building has more than one enclosed area, each area must have openings to
6509 allow floodwaters to automatically enter and exit;
- 6510 3. Fully enclosed areas below the lowest floor meeting the criteria in subsection
6511 E.2. of this section shall not have all sides of the building below grade;
- 6512 4. Fully enclosed areas below the lowest floor shall be used solely for the parking
6513 of vehicles, building access or limited storage of readily removable items;
- 6514 5. Use materials and methods that are resistant to and minimize flood damage; and
- 6515 6. Elevate or dry floodproof all building utilities to or above the flood protection
6516 elevation;
- 6517 F. New, substantially improved, or converted nonresidential buildings and flood
6518 mitigation elevations of existing nonresidential buildings shall meet the following standards:
- 6519 1. Elevate the lowest floor to or above the flood protection elevation, except as
6520 otherwise provided in subsection G. of this section, or dry floodproof the building and
6521 building utilities to or above the flood protection elevation. The applicant shall provide
6522 certification by a civil or structural engineer that the dry floodproofing methods are adequate
6523 to withstand the flood-depths, pressures, velocities, impacts, uplift forces and other factors
6524 associated with the base flood. After construction, the engineer shall certify that the
6525 permitted work conforms to the approved plans and specifications;
- 6526 2. Use materials and methods that are resistant to and minimize flood damage;
- 6527 3. For nonresidential buildings that have not been dry floodproofed, design fully
6528 enclosed areas below the lowest floor and below the flood protection elevation, including

6529 crawlspaces or attached garages, to automatically equalize hydrostatic flood forces on
6530 exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this
6531 requirement must either be certified by a registered professional engineer or architect or
6532 meet or exceed the following:

6533 a. a minimum of two openings having a net total area of no less than one square
6534 inch for every one square foot of enclosed space shall be provided. The openings shall be
6535 located on at least two opposite-side walls in the direction of flow;

6536 b. the bottom of all openings shall not be higher than one foot above adjacent
6537 grade;

6538 c. openings may be equipped with screens, louvers, valves or other coverings or
6539 devices, but only if they allow the automatic entry and exit of floodwaters; and

6540 d. if a building has more than one enclosed area, each area shall have openings to
6541 allow floodwaters to automatically enter and exit;

6542 4. Not have all sides of the building below grade for fully enclosed areas below the
6543 lowest floor meeting the criteria in subsection F.3. of this section;

6544 5. Fully enclosed areas below the lowest floor shall be used solely for the parking
6545 of vehicles, building access or limited storage of readily removable items; and

6546 6. Elevate or dry floodproof all building utilities to or above the flood protection
6547 elevation;

6548 G. New, substantially improved or converted accessory buildings may have the
6549 lowest floor below the flood protection elevation, but only if the building complies with the
6550 following:

6551 1. The building shall not be used for human habitation;

- 6552 2. The use of the building shall be limited to parking of vehicles or limited storage
6553 of readily removable items;
- 6554 3. The floor area shall not exceed four hundred square feet;
- 6555 4. The building should be constructed with materials and practices to minimize
6556 flood damage;
- 6557 5. The building shall be built of and have flood-resistant materials for portions
6558 below the flood protection elevation;
- 6559 6. The building shall be designed to automatically equalize hydrostatic flood forces
6560 on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this
6561 requirement must either be certified by a registered professional engineer or architect or
6562 must meet or exceed the following:
- 6563 a. a minimum of two openings having a net total area of no less than one square
6564 inch for every one square foot of enclosed space shall be provided. The openings shall be
6565 located on at least two opposite-side walls in the direction of flow;
- 6566 b. the bottom of all openings shall not be higher than one foot above adjacent
6567 grade; and
- 6568 c. openings may be equipped with screens, louvers, valves or other coverings or
6569 devices, but only if they allow the automatic entry and exit of floodwaters;
- 6570 7. Building utilities shall not be installed except electrical fixtures, which must be
6571 elevated or dry floodproofed to or above the flood protection elevation; and
- 6572 8. The building shall be constructed and placed on the site so as to offer the
6573 minimum resistance to the flow of floodwaters;

6574 H. Anchor all new or substantially improved buildings to prevent flotation, collapse
6575 or lateral movement of the building. The department shall approve the method used to
6576 anchor the building;

6577 I.1. Newly sited manufactured homes and substantial improvements of existing
6578 manufactured homes shall meet the standards in subsections E. and H. of this section and
6579 shall be installed using methods and practices that minimize flood damage;

6580 2. All manufactured homes within a new mobile home park or expansion of an
6581 existing mobile home park must meet the requirements of this subsection I.;

6582 3. In a new or existing mobile home park located in a flood hazard area, no
6583 buildings other than mobile homes are allowed;

6584 J.1. New and replacement public infrastructure utilities including, but not limited to,
6585 sewage treatment and storage facilities, shall be elevated or dry floodproofed to or above the
6586 flood protection elevation;

6587 2. New on-site sewage disposal systems should be located outside of the
6588 floodplain. When there is insufficient area outside the floodplain, new on-site sewage
6589 disposal systems are allowed only in the zero-rise flood fringe. On-site sewage disposal
6590 systems in the zero-rise flood fringe shall be designated and located to avoid:

- 6591 a. impairment to the system during flooding; and
- 6592 b. contamination from the system during flooding;

6593 3. Design all new and replacement water supply systems to minimize or eliminate
6594 infiltration of floodwaters into the system;

6595 4. Above-ground utility transmission lines are allowed only for the transport of
6596 nonhazardous substances or electricity;

6597 5. Underground utility transmission lines transporting hazardous substances shall
6598 be buried at a minimum depth of four feet below the maximum depth of scour for the base
6599 flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any
6600 potential for flotation or upward migration is eliminated; and

6601 6. New water wells shall be located where not subject to ponding and not in the
6602 FEMA floodway. The well shall be protected to the flood protection elevation and shall be
6603 protected from any surface or subsurface drainage capable of impairing the quality of the
6604 groundwater supply, in accordance with WAC 173-160-171;

6605 K. Critical facilities are allowed within the zero-rise flood fringe only when a
6606 feasible alternative site is not available and the following standards are met, in addition to
6607 the other applicable standards in this section:

6608 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three or
6609 more feet above the base flood elevation, whichever is higher;

6610 2. Dry floodproof and seal buildings to ensure that hazardous substances are not
6611 displaced by or released into floodwaters; and

6612 3. Elevate access routes to or above the base flood elevation from the critical
6613 facility to the nearest maintained public street or roadway;

6614 L. New construction or expansion of existing farm pads is allowed only on a site
6615 with existing agriculture if emergency flood relief is required for the protection of livestock
6616 or assets or for operations that must continue during flood events as follows:

6617 1. A farm pad is allowed only if there is no other suitable holding area on the site
6618 outside the floodplain;

6619 2. Construct the farm pad to the standards in an approved farm management plan
6620 prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30;

6621 3. The farm pad proposal shall demonstrate compliance with the following:

6622 a. flood storage compensation consistent with subsection A. of this section;

6623 b. siting and sizing that do not increase base flood elevations consistent with
6624 K.C.C. 21A.24.250.B. or, if any portion of the farm pad is located in the FEMA floodway,
6625 siting and sizing that do not increase base flood elevations consistent with K.C.C.
6626 21A.24.260.B.;

6627 c. siting that is located in the area least subject to risk from floodwaters; and

6628 d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland
6629 buffers and aquatic area buffers have been minimized;

6630 4. The farm pad is constructed to base flood elevation plus one foot. An elevation
6631 report shall be completed after construction to demonstrate compliance with this elevation
6632 requirement;

6633 5.a. The farm pad should be sized as is necessary for the protection of livestock
6634 and assets and operations that must continue during flood events;

6635 b. for farm pads larger than two thousand square feet of finished usable surface, a
6636 site specific evaluation of agricultural operations must demonstrate the need for the size of
6637 the pad; and

6638 c. for farm pads larger than ten thousand square feet, an area-wide analysis must
6639 demonstrate that sufficient flood storage is available for reasonably foreseeable future land
6640 use needs in the vicinity;

6641 6. If there are multiple areas on a site that meet all of the applicable criteria, the
6642 farm pad should be located as far as practical from the interior property lines;

6643 7. Agricultural buildings are allowed on a farm pad as shelter for livestock or other
6644 farm animals, greenhouses for plant starts to be used on the property, milking parlors,
6645 storage of farm vehicles and agricultural equipment and shelter for farm products including,
6646 but not limited to, feed, seeds, flower bulbs and hay and farm operations that must continue
6647 during a flood event. Agricultural buildings allowed on a farm pad shall not be used for
6648 retail operations or any residential or public use; and

6649 8. The property owner shall file with the department of executive services, records
6650 and licensing services division, a notice approved by the department that restricts the use of
6651 the farm pad to nonresidential agricultural uses. The notice shall run with the land. The
6652 applicant shall submit to the department proof that the notice was filed before the
6653 department approves any permit for the construction of the farm pad;

6654 M. New or expanded livestock manure storage facilities are only allowed as
6655 follows:

6656 1. There is not a feasible alternative area on the site outside the floodplain;

6657 2. The livestock manure storage facility is constructed to the standards in an
6658 approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and

6659 K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with the
6660 following:

6661 a. flood storage compensation consistent with subsection A. of this section;

6662 b. siting and sizing that do not increase base flood elevations consistent with

6663 K.C.C. 21A.24.250.B. or, if the liquid manure storage facility is located in the FEMA

6664 floodway, siting and sizing that do not increase base flood elevations consistent with K.C.C.
6665 21A.24.260.B.;

6666 c. dry floodproofing the liquid manure storage facility to one foot above the base
6667 flood elevation; and

6668 d. siting that is located in the area least subject to risk from floodwaters;

6669 N. Recreational vehicles must be on site for fewer than one hundred eighty
6670 consecutive days or be fully licensed and ready for highway use, which means on their
6671 wheels or jacking system, attached to the site only by quick-disconnect-type utilities and
6672 security devices and have no permanently attached additions; and

6673 O. Any alteration or relocation of a watercourse shall comply with the following
6674 standards, in addition to the other applicable standards in this title:

6675 1. The department shall notify adjacent communities and the Washington state
6676 Department of Ecology before any alteration or relocation of a watercourse proposed by the
6677 applicant and shall submit evidence of the notification to the Federal Emergency
6678 Management Agency within six months; and

6679 2. The applicant shall ensure that the flood-carrying capacity is maintained.

6680 SECTION X. Ordinance 10870, Section 477, as amended, and K.C.C. 21A.24.300
6681 are hereby amended to read as follows:

6682 The following development standards apply to development proposal and
6683 alterations on sites containing volcanic hazard areas:

6684 A. Within volcanic hazard areas located along the White river upstream from
6685 Mud Mountain dam:

6686 1. Critical facilities, duplexes, triplexes, fourplexes, apartments, townhouses or
6687 commercial structures are not allowed;

6688 2. All new lots created by subdivision, short subdivision or binding site plan
6689 shall designate building areas and building setbacks outside of the volcanic hazard area;
6690 and

6691 3. The notice of critical areas required under this chapter is required for new
6692 single detached dwellings on existing lots;

6693 B. Within volcanic hazard areas located along the White river downstream from
6694 Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate
6695 development proposals for critical facilities for risk of inundation or flooding resulting
6696 from mudflows originating on Mount Rainier. The applicant shall design critical
6697 facilities to withstand, without damage, the effects of mudflows equal in magnitude to the
6698 prehistoric Electron mudflow; and

6699 C. This section does not apply until King County has refined the mapping of
6700 volcanic hazard areas in cooperation with the United State Geological Survey and
6701 adopted volcanic hazard area maps by public rule.

6702 SECTION X. Ordinance 11621, Section 52, as amended, and K.C.C. 21A.24.385
6703 are hereby amended to read as follows:

6704 The department shall make certain that segments of the wildlife habitat network are
6705 set aside and protected along the designated wildlife habitat network adopted by the King
6706 County Comprehensive Plan as follows:

6707 A. This section applies to the following development proposals on parcels that
6708 include a segment of the designated wildlife habitat network:

Commented [JC336]: Scope II.C.1

Part of middle housing, to reflect new housing types.

6709 1. All ~~((urban planned developments, fully contained communities,))~~ binding site
6710 plans, subdivisions and short subdivisions; and

6711 2. All development proposals on individual lots unless a segment of the wildlife
6712 habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract,
6713 easement or setback area, and a notice of the existence of the segment has been recorded;

6714 B. Segments of the wildlife habitat network must be identified and protected in one
6715 of the following ways:

6716 1. In ~~((urban planned developments, fully contained communities,))~~ binding site
6717 plans, subdivisions and short subdivisions, native vegetation is placed in a contiguous
6718 permanent open-space tract with all developable lots sited on the remaining portion of the
6719 project site, or the lots are designed so that required setback areas can form a contiguous
6720 setback covering the network segments; or

6721 2. For individual lots, the network is placed in a county-approved setback area. To
6722 the maximum extent practical, existing native vegetation is included in the network. The
6723 notice required by K.C.C. 21A.27.170 is required; and

6724 C. All wildlife habitat network tracts or setback areas must meet the design
6725 standards in K.C.C. 21A.24.386.

6726 SECTION X. Ordinance 11621, Section 53, as amended, and K.C.C. 21A.24.386
6727 are hereby amended to read as follows:

6728 The following standards apply to development proposals and alterations on sites
6729 containing wildlife habitat network:

6730 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
6731 alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

Commented [JC337]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC338]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

- 6732 B. The wildlife habitat network is sited to meet the following conditions:
- 6733 1. The network forms one contiguous tract or setback area that enters and exits
6734 the property where the network crosses the property boundary;
- 6735 2. To the maximum extent practical, the network maintains a width of three-
6736 hundred feet. The network width shall not be less than one-hundred-fifty feet at any
6737 point; and
- 6738 3. The network is contiguous with and includes critical areas and their buffers;
- 6739 4. To the maximum extent practical, the network connects isolated critical areas
6740 or habitat; and
- 6741 5. To the maximum extent practical, the network connects with wildlife habitat
6742 network segments, open space tracts or wooded areas on adjacent properties, if present;
- 6743 C. The wildlife habitat network tract must be permanently marked in accordance
6744 with this chapter;
- 6745 D. An applicant proposing recreation, forestry or any other use compatible with
6746 preserving and enhancing the habitat value of the wildlife habitat network located within
6747 the site must have an approved management plan. The applicant shall include and record
6748 the approved management plan for a binding site plan or subdivision with the covenants,
6749 conditions and restrictions (CCRs), if any. Clearing within the wildlife habitat network
6750 in a tract or tracts is limited to that allowed by an approved management plan;
- 6751 E. If the wildlife habitat network is contained in a setback area, a management
6752 plan is not required. Clearing is not allowed within a wildlife habitat network within a
6753 setback area on individual lots, unless the property owner has an approved management
6754 plan;

6755 F. In ~~((urban planned developments, fully contained communities,))~~ binding site
6756 plans, subdivisions and short subdivisions a homeowners association or other entity
6757 capable of long term maintenance and operation shall monitor and assure compliance
6758 with any approved management plan;

6759 G. Segments of the wildlife habitat network set aside in tracts, conservation
6760 easements or setback area must comply with K.C.C. 16.82.150;

6761 H. The department may credit a permanent open space tract containing the
6762 wildlife habitat network toward the other applicable requirements such as surface water
6763 management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed
6764 uses within the tract are compatible with preserving and enhancing the wildlife habitat
6765 value. Restrictions on other uses within the wildlife habitat network tract shall be clearly
6766 identified in the management plan;

6767 I. The director may waive or reduce these standards for public facilities such as
6768 schools, fire stations, parks and road projects.

6769 SECTION X. Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100
6770 are hereby amended to read as follows:

6771 A. The shoreline use table in this section determines whether a specific use is
6772 allowed within each of the shoreline environments. The shoreline environment is located
6773 on the vertical column and the specific use is located on the horizontal row of the table.
6774 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The
6775 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be
6776 interpreted as follows:

Commented [JC339]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

- 6777 1. If the cell is blank in the box at the intersection of the column and the row,
6778 the use is prohibited in that shoreline environment;
- 6779 2. If the letter "P" appears in the box at the intersection of the column and the
6780 row, the use may be allowed within the shoreline environment;
- 6781 3. If the letter "C" appears in the box at the intersection of the column and the
6782 row, the use may be allowed within the shoreline environment subject to the shoreline
6783 conditional use review procedures specified in K.C.C. 21A.44.100.
- 6784 4. If a number appears in the box at the intersection of the column and the row,
6785 the use may be allowed subject to the appropriate review process in this section, the
6786 general requirements of this chapter and the specific development conditions indicated
6787 with the corresponding number in subsection C. of this section. If more than one number
6788 appears after a letter, all numbers apply.
- 6789 5. If more than one letter-number combination appears in the box at the
6790 intersection of the column and the row, the use is allowed in accordance with each letter-
6791 number combination.
- 6792 6. A shoreline use may be allowed in the aquatic environment only if that
6793 shoreline use is allowed in the adjacent shoreland environment.
- 6794 7. This section does not authorize a land use that is not allowed by the
6795 underlying zoning, but may add additional restrictions or conditions or prohibit specific
6796 land uses within the shoreline jurisdiction. When there is a conflict between the
6797 permitted land uses in K.C.C. chapter 21A.08 and shoreline uses in this section,
6798 preference for shoreline uses shall first be given to water-dependent uses, then to water
6799 related uses and finally to water enjoyment uses. All uses in the shoreline jurisdiction

- 6800 must comply with all relevant county code provisions and with the King County
- 6801 Shoreline Master Program.
- 6802 B. Shoreline uses.

P - Permitted Use C - Shoreline Conditional Use Blank - Prohibited. Shoreline uses are allowed only if the underlying zoning allows the use. Shoreline uses are allowed in the aquatic environment only if the adjacent upland environment allows the use.	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								

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General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry No. 1611, automotive parking and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility and private stormwater management facility (K.C.C. 21A.08.060)	P9	C10						
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.060)	P14	C14						
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15
In-stream fish and wildlife management, except								C16

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aquaculture (K.C.C. 21A.08.090)								
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational/cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	
Duplex, triplex, fourplex, ((⌘))townhouse, apartment, mobile home park, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Group residences (K.C.C. 21A.08.030)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								

Commented [JC340]: Scope II.C.1
Part of middle housing, to reflect new housing types.

Utility facility (K.C.C. 21A.08.060)	P26	C26						
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	P30							

6803 C. Development conditions:

6804 1. In the Natural environment, limited to low intensity agriculture, such as
6805 livestock use with an animal unit density of no more than one per two acres in the
6806 shoreline jurisdiction, seasonal hay mowing and related activities and horticulture not to
6807 exceed twenty percent of the site area located within the shoreline jurisdiction.

6808 2.a. The supporting infrastructure for aquaculture may be located landward of
6809 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

6810 b. The aquaculture operation must meet the standards in K.C.C. 21A.25.110.

6811 c. In aquatic areas adjacent to the residential shoreline environment, net pen
6812 facilities shall be located no closer than one thousand five hundred feet from the ordinary
6813 high water mark of this environment, unless the department allows a specific lesser
6814 distance that it determines is appropriate based upon a visual impact analysis. Other
6815 types of floating culture facilities may be located within one thousand five hundred feet
6816 of the ordinary high water mark if supported by a visual impact analysis.

6817 d. In aquatic areas adjacent to the rural shoreline environment, net pen
6818 facilities shall be located no closer than one thousand five hundred feet from the ordinary

6819 high water mark of this environment, unless the department allows a specific lesser
6820 distance that it determines is appropriate based upon a visual impact analysis.

6821 e. In the natural shoreline environment and aquatic areas adjacent to the natural
6822 shoreline environment, commercial net pens are prohibited and other aquaculture
6823 activities are limited to activities that do not require structures, facilities or mechanized
6824 harvest practices and that will not alter the natural systems, features or character of the
6825 site.

6826 f. Farm-raised geoduck aquaculture requires a shoreline substantial
6827 development permit if a specific project or practice causes substantial interference with
6828 normal public use of the surface waters.

6829 g. A conditional use permit is required for new commercial geoduck
6830 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of
6831 planting and harvest shall not require a new conditional permit.

6832 3.a. New marinas are not allowed along the east shore of Maury Island, from
6833 Piner Point to Point Robinson.

6834 b. Marinas must meet the standards in K.C.C. 21A.25.120.

6835 4. Water dependent general services land uses in K.C.C. 21A.08.050 are
6836 allowed. Non-water dependent general services land uses in K.C.C. 21A.08.050 are only
6837 allowed on sites that are not contiguous with the ordinary high water mark or on sites that
6838 do not have an easement that provides direct access to the water.

6839 5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are
6840 allowed.

6841 b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are
6842 only allowed as part of a shoreline mixed-use development that includes water-dependent
6843 uses.

6844 c. Non-water-oriented general services land uses must provide a significant
6845 public benefit by helping to achieve one or more of the following shoreline master
6846 program goals:

- 6847 (1) economic development for water-dependent uses;
- 6848 (2) public access;
- 6849 (3) water-oriented recreation;
- 6850 (4) conservation of critical areas, scenic vistas, aesthetics or fish and wildlife
6851 habitat; and
- 6852 (5) protection and restoration of historic properties.

6853 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.
6854 Water-related business services uses are only allowed as part of a shoreline mixed-use
6855 development and only if they support a water-dependent use. The water-related business
6856 services uses must comprise less than one-half of the square footage of the structures or
6857 the portion of the site within the shoreline jurisdiction.

6858 7.a Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

6859 b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as
6860 part of a shoreline mixed-use development if the non-water-dependent retail use supports
6861 a water-dependent use. Non-water-dependent uses must comprise less than one-half of
6862 the square footage of the structures or the portion of the site within the shoreline
6863 jurisdiction.

- 6864 c. Non-water-oriented retail uses must provide a significant public benefit by
6865 helping to achieve one or more of the following shoreline master program goals:
- 6866 (1) economic development for water-dependent uses;
 - 6867 (2) public access;
 - 6868 (3) water-oriented recreation;
 - 6869 (4) conservation of critical areas, scenic vistas, aesthetics or fish and wildlife
6870 habitat; and
 - 6871 (5) protection and restoration of historic properties.
- 6872 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-
6873 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a
6874 significant public benefit by helping to achieve one or more of the following shoreline
6875 master program goals:
- 6876 a. economic development for water-dependent uses;
 - 6877 b. public access;
 - 6878 c. water-oriented recreation;
 - 6879 d. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife
6880 habitat; and
 - 6881 e. protection and restoration of historic properties.
- 6882 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.
- 6883 b. Non-water-dependent government services in K.C.C. 21A.08.060 are only
6884 allowed as part of a shoreline mixed-use development if the non-water-dependent
6885 government use supports a water-dependent use. Non-water-dependent uses must
6886 comprise less than one-half of the square footage of the structures or the portion of the

6887 site within the shoreline jurisdiction. Only low-intensity water-dependent government
6888 services are allowed in the Natural environment.

6889 10. The following standards apply to government services uses within the
6890 Aquatic environment:

6891 a. Stormwater and sewage outfalls are allowed if upland treatment and
6892 infiltration to groundwater, streams or wetlands is not feasible and there is no impact on
6893 critical saltwater habitats, salmon migratory habitat and the nearshore zone. However,
6894 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,
6895 except from Piner Point to Point Robinson;

6896 b. Water intakes shall not be located near fish spawning, migratory or rearing
6897 areas. Water intakes must adhere to Washington state Department of Fish and Wildlife
6898 fish screening criteria. To the maximum extent practical, intakes should be placed at
6899 least thirty feet below the ordinary high water mark;

6900 c. Desalinization facilities shall not be located near fish spawning, migratory or
6901 rearing areas. Intakes should generally be placed deeper than thirty feet below the
6902 ordinary high water mark and must adhere to Washington state Department Fish and
6903 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated
6904 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner
6905 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on
6906 critical saltwater habitats, salmon migratory habitat and the nearshore zone;

6907 d. Cable crossings for telecommunications and power lines shall:

6908 (1) be routed around or drilled below aquatic critical habitat or species;

6909 (2) be installed in sites free of vegetation, as determined by physical or video
6910 seabed survey;

6911 (3) be buried, preferably using directional drilling, from the uplands to
6912 waterward of the deepest documented occurrence of native aquatic vegetation; and

6913 (4) use the best available technology;

6914 e. Oil, gas, water and other pipelines shall meet the same standards as cable
6915 crossings and in addition:

6916 (1) pipelines must be directionally drilled to depths of seventy feet or one half
6917 mile from the ordinary high water mark; and

6918 (2) use the best available technology for operation and maintenance;

6919 f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or
6920 within the Aquatic environment adjacent to the Conservancy and Natural shorelines.

6921 11. In the Natural environment, limited to low intensity forest practices that
6922 conserve or enhance the health and diversity of the forest ecosystem or ecological and
6923 hydrologic functions conducted for the purpose of accomplishing specific ecological
6924 enhancement objectives. In all shoreline environments, forest practices must meet the
6925 standards in K.C.C. 21A.25.130.

6926 12. Manufacturing uses in the shoreline environment must give preference first
6927 to water-dependent manufacturing uses and second to water-related manufacturing uses:

6928 a. Non-water-oriented manufacturing uses are allowed only:

6929 (1) as part of a shoreline mixed-use development that includes a water-
6930 dependent use, but only if the water-dependent use comprises over fifty percent of the
6931 floor area or portion of the site within the shoreline jurisdiction;

- 6932 (2) on sites where navigability is severely limited; or
- 6933 (3) on sites that are not contiguous with the ordinary high water mark or on
- 6934 sites that do not have an easement that provides direct access to the water; and
- 6935 (4) all non-water-oriented manufacturing uses must also provide a significant
- 6936 public benefit, such as ecological restoration, environmental clean-up, historic
- 6937 preservation or water-dependent public education;
- 6938 b. public access is required for all manufacturing uses unless it would result in
- 6939 a public safety risk or is incompatible with the use;
- 6940 c. shall be located, designed and constructed in a manner that ensures that there
- 6941 are no significant adverse impacts to other shoreline resources and values.
- 6942 d. restoration is required for all new manufacturing uses;
- 6943 e. boat repair facilities are not permitted within the Maury Island Aquatic
- 6944 Reserve, except as follows:
- 6945 (1) engine repair or maintenance conducted within the engine space without
- 6946 vessel haul-out;
- 6947 (2) topside cleaning, detailing and bright work;
- 6948 (3) electronics servicing and maintenance;
- 6949 (4) marine sanitation device servicing and maintenance that does not require
- 6950 haul-out;
- 6951 (5) vessel rigging; and
- 6952 (6) minor repairs or modifications to the vessel's superstructure and hull
- 6953 above the waterline that do not exceed twenty-five percent of the vessel's surface area
- 6954 above the waterline.

6955 13. The water-dependent in-stream portion of a hydroelectric generation facility,
6956 wastewater treatment facility and municipal water production are allowed, including the
6957 upland supporting infrastructure, and shall provide for the protection and preservation, of
6958 ecosystem-wide processes, ecological functions, and cultural resources, including, but not
6959 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,
6960 hydrogeological processes, and natural scenic vistas.

6961 14. New in-stream portions of utility facilities may be located within the
6962 shoreline jurisdiction if:

- 6963 a. there is no feasible alternate location;
- 6964 b. provision is made to protect and preserve ecosystem-wide processes,
6965 ecological functions, and cultural resources, including, but not limited to, fish and fish
6966 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,
6967 and natural scenic vistas; and
- 6968 c. the use complies with the standards in K.C.C. 21A.25.260.

6969 15. Limited to in-stream infrastructure, such as bridges, and must consider the
6970 priorities of the King County Shoreline Protection and Restoration Plan when designing
6971 in-stream transportation facilities. In-stream structures shall provide for the protection
6972 and preservation, of ecosystem-wide processes, ecological functions, and cultural
6973 resources, including, but not limited to, fish and fish passage, wildlife and water
6974 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

6975 16. Limited to hatchery and fish preserves.

6976 17. Mineral uses:

- 6977 a. must meet the standards in K.C.C. chapter 21A.22;

6978 b. must be dependent upon a shoreline location;

6979 c. must avoid and mitigate adverse impacts to the shoreline environment

6980 during the course of mining and reclamation to achieve no net loss of shoreline ecological

6981 function. In determining whether there will be no net loss of shoreline ecological

6982 function, the evaluation may be based on the final reclamation required for the site.

6983 Preference shall be given to mining proposals that result in the creation, restoration, or

6984 enhancement of habitat for priority species;

6985 d. must provide for reclamation of disturbed shoreline areas to achieve

6986 appropriate ecological functions consistent with the setting;

6987 e. may be allowed within the active channel of a river only as follows:

6988 (1) removal of specified quantities of sand and gravel or other materials at

6989 specific locations will not adversely affect the natural processes of gravel transportation

6990 for the river system as a whole;

6991 (2) the mining and any associated permitted activities will not have

6992 significant adverse impacts to habitat for priority species nor cause a net loss of

6993 ecological functions of the shoreline; and

6994 (3) if no review has been previously conducted under this subsection C.17.e.,

6995 prior to renewing, extending or reauthorizing gravel bar and other in-channel mining

6996 operations in locations where they have previously been conducted, the department shall

6997 require compliance with this subsection C.17.e. If there has been prior review, the

6998 department shall review previous determinations comparable to the requirements of this

6999 section C.17.e. to ensure compliance with this subsection under current site conditions;

7000 and

- 7001 f. Must comply with K.C.C. 21A.25.190.
- 7002 18. Only water-dependent recreational uses are allowed, except for public parks
7003 and trails, in the High Intensity environment and must meet the standards in K.C.C.
7004 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.
- 7005 19. Water-dependent and water-enjoyment recreational uses are allowed in the
7006 Residential, Rural and Forestry environments and must meet the standards in K.C.C.
7007 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.
- 7008 20. In the Conservancy environment, only the following recreation uses are
7009 allowed and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C.
7010 21A.25.150 for recreation:
- 7011 a. parks; and
 - 7012 b. trails.
- 7013 21. In the Natural environment, only passive and low-impact recreational uses
7014 are allowed.
- 7015 22. Single detached dwelling units must be located outside of the aquatic area
7016 buffer and set back from the ordinary high water mark to the maximum extent practical.
- 7017 23. Only allowed as part of a water-dependent shoreline mixed-use development
7018 where water-dependent uses comprise more than half of the square footage of the
7019 structures on the portion of the site within the shoreline jurisdiction.
- 7020 24. Residential accessory uses must meet the following standards:
- 7021 a. docks, piers, moorage, buoys, floats or launching facilities must meet the
7022 standards in K.C.C. 21A.25.180;

7023 b. residential accessory structures located within the aquatic area buffer shall
7024 be limited to a total footprint of one-hundred fifty square feet; and

7025 c. accessory structures shall be sited to preserve visual access to the shoreline
7026 to the maximum extent practical.

7027 25. New highway and street construction is allowed only if there is no feasible
7028 alternate location. Only low-intensity transportation infrastructure is allowed in the
7029 Natural environment.

7030 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

7031 27. Only bed and breakfast guesthouses.

7032 28. Only in a marina.

7033 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

7034 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

7035 SECTION X. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160
7036 are hereby amended to read as follows:

7037 A. The shoreline modification table in this section determines whether a specific
7038 shoreline modification is allowed within each of the shoreline environments. The shoreline
7039 environment is located on the vertical column and the specific use is located on the
7040 horizontal row of the table. The specific modifications are grouped by the shoreline
7041 modification categories in WAC 173-26-231. The table should be interpreted as follows:

7042 1. If the cell is blank in the box at the intersection of the column and the row, the
7043 modification is prohibited in that shoreline environment;

7044 2. If the letter "P" appears in the box at the intersection of the column and the row,
7045 the modification may be allowed within the shoreline environment;

7046 3. If the letter "C" appears in the box at the intersection of the column and the row,
7047 the modification may be allowed within the shoreline environment subject to the shoreline
7048 conditional use review procedures specified in K.C.C. 21A.44.100;

7049 4. If a number appears in the box at the intersection of the column and the row, the
7050 modification may be allowed subject to the appropriate review process indicated in this
7051 section and the specific development conditions indicated with the corresponding number
7052 immediately following the table, and only if the underlying zoning allows the modification.
7053 If more than one number appears at the intersection of the column and row, both numbers
7054 apply;

7055 5. If more than one letter-number combination appears in the box at the
7056 intersection of the column and the row, the modification is allowed within that shoreline
7057 environment subject to different sets of limitations or conditions depending on the review
7058 process indicated by the letter, the specific development conditions indicated in the
7059 development condition with the corresponding number immediately following the table;

7060 6. A shoreline modification may be allowed in the aquatic environment only if that
7061 shoreline modification is allowed in the adjacent shoreland environment; and

7062 7. This section does not authorize a shoreline modification that is not allowed by
7063 the underlying zoning, but may add additional restrictions or conditions or prohibit specific
7064 modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline
7065 jurisdiction must comply with all relevant county code provisions and with the King County
7066 shoreline master program.

7067 B. Shoreline modifications.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
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2024 King County Comprehensive Plan
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Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	C4	C4	P4 C4				
Breakwaters, jetties, groins and weirs								
Breakwaters, jetties, groins and weirs	P5 C5							
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	C6	C6	P6 C6				
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7							
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

7068 C. Development conditions.

7069 1. New and replacement shoreline stabilization, including bulkheads, must meet

7070 the standards in K.C.C. 21A.25.170;

Commented [JC341]: Scope III.B.1
To add clarity of existing intent, constituent with state requirements/guidance and current practice

7071 2.a. Flood protection facilities must be consistent with the standards in K.C.C.
7072 chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16,
7073 2007, and the Integrated Stream Protection Guidelines (Washington state departments of
7074 Fish and Wildlife, Ecology and Transportation, 2003). New structural flood hazard
7075 protection measures are allowed in the shoreline jurisdiction only when the applicant
7076 demonstrates by a scientific and engineering analysis that the structural measures are
7077 necessary to protect existing development, that nonstructural measures are not feasible
7078 and that the impact on ecological functions and priority species and habitats can be
7079 successfully mitigated so as to assure no net loss of shoreline ecological functions. New
7080 flood protection facilities designed as shoreline stabilization must meet the standards in
7081 K.C.C. 21A.25.170.

7082 b. Relocation, replacement or expansion of existing flood control facilities
7083 within the Natural environment are permitted, subject to the requirements of the King
7084 county Flood Hazard Reduction Plan and consistent with the Washington State Aquatic
7085 Guidelines Program's Integrated Streambank Protection Guidelines and bioengineering
7086 techniques used to the maximum extent practical. New facilities would only be permitted
7087 consistent with an approved watershed resources inventory area (WRIA) salmon recovery
7088 plan under chapter 77.85 RCW.

7089 3. Docks, piers, moorage, buoys, floats or launching facilities must meet the
7090 standards in K.C.C. 21A.25.180;

7091 4.a. Filling must meet the standards in K.C.C. 21A.25.190.

7092 b. A shoreline conditional use permit is required to:

7093 (1) Place fill waterward of the ordinary high water mark for any use except
7094 ecological restoration or for the maintenance and repair of flood protection facilities; and

7095 (2) Dispose of dredged material within shorelands or wetlands within a
7096 channel migration zone;

7097 c. Fill shall not placed in critical saltwater habitats except when all of the
7098 following conditions are met:

7099 (1) the public's need for the proposal is clearly demonstrated and the proposal
7100 is consistent with protection of the public trust, as embodied in RCW 90.58.020;

7101 (2) avoidance of impacts to critical saltwater habitats by an alternative
7102 alignment or location is not feasible or would result in unreasonable and disproportionate
7103 cost to accomplish the same general purpose;

7104 (3) the project including any required mitigation, will result in no net loss of
7105 ecological functions associated with critical saltwater habitat; and

7106 (4) the project is consistent with the state's interest in resource protection and
7107 species recovery.

7108 d. In a channel migration zone, any filling shall protect shoreline ecological
7109 functions, including channel migration.

7110 5.a. Breakwaters, jetties, groins and weirs:

7111 (1) are only allowed where necessary to support water dependent uses, public
7112 access, approved shoreline stabilization or other public uses, as determined by the
7113 director;

7114 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
7115 habitat restoration project or as an alternative to construction of a shoreline stabilization
7116 structure;

7117 (3) shall not intrude into or over critical saltwater habitats except when all of
7118 the following conditions are met:

7119 (a) the public's need for the structure is clearly demonstrated and the
7120 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

7121 (b) avoidance of impacts to critical saltwater habitats by an alternative
7122 alignment or location is not feasible or would result in unreasonable and disproportionate
7123 cost to accomplish the same general purpose;

7124 (c) the project including any required mitigation, will result in no net loss of
7125 ecological functions associated with critical saltwater habitat; and

7126 (d) the project is consistent with the state's interest in resource protection
7127 and species recovery.

7128 b. Groins are only allowed as part of a restoration project sponsored or
7129 cosponsored by a public agency that has natural resource management as a primary
7130 function.

7131 c. A conditional shoreline use permit is required, except for structures installed
7132 to protect or restore shoreline ecological functions.

7133 6. Excavation, dredging and filling must meet the standards in K.C.C.
7134 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
7135 material within shorelands or wetlands within a channel migration zone.

7136 7.a. If the department determines the primary purpose is restoration of the
7137 natural character and ecological functions of the shoreline, a shoreline habitat and natural
7138 systems enhancement project may include shoreline modification of vegetation, removal
7139 of nonnative or invasive plants, shoreline stabilization, including the installation of large
7140 woody debris, dredging and filling. Mitigation actions identified through biological
7141 assessments required by the National Marine Fisheries Services and applied to flood
7142 hazard mitigation projects may include shoreline modifications of vegetation, removal of
7143 nonnative or invasive plants, shoreline stabilization, including the installation of large
7144 woody debris, dredging and filling.

7145 b. Within the Urban Growth Area, the county may grant relief from shoreline
7146 master program development standards and use regulations resulting from shoreline
7147 restoration projects consistent with criteria and procedures in WAC 173-27-215.

7148 8. Within the critical area and critical area buffer, vegetation removal is subject
7149 to K.C.C. chapter 21A.24.

7150 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
7151 native vegetation located outside of the critical area and critical area buffer shall be
7152 retained to the maximum extent practical. Within the critical area and critical area buffer,
7153 vegetation removal is subject to K.C.C. chapter 21A.24.

7154 SECTION X. Ordinance 3688, Section 413, as amended, and K.C.C. 21A.25.170
7155 are hereby amended to read as follows:

7156 A. Shoreline stabilization shall ~~((not be considered an outright use and shall))~~ be
7157 permitted only when the department determines that shoreline protection is necessary for
7158 the protection of existing legally established primary structures and associated

Commented [JC342]: Scope III.B.1

To better align with state requirements/guidance and reflect current practice.

The changes clarify that non-water dependent uses alone do not merit shoreline protection by shoreline stabilization.

Adds relocation of structures and utilities as an action preferable to protection by shoreline stabilization.

Removes lists of examples of structural and non-structural shoreline stabilization (which were instead added to subsection-C).

7159 appurtenances at imminent risk of damage, new or existing non-water-dependent
7160 development, new or existing water-dependent development or projects restoring
7161 ecological functions or remediating hazardous substance discharges. ~~((Vegetation,~~
7162 ~~berms, bioengineering techniques and other nonstructural alternatives that preserve the~~
7163 ~~natural character of the shore shall be preferred over riprap, concrete revetments,~~
7164 ~~bulkheads, breakwaters and other structural stabilization. Riprap using rock or other~~
7165 ~~natural materials shall be preferred over concrete revetments, bulkheads, breakwaters and~~
7166 ~~other structural stabilization.)) The at-risk structure or use should be relocated, if
7167 feasible, in order to remove the need for shoreline stabilization. When relocation is
7168 infeasible, the least impactful shoreline stabilization measure, as documented by analysis
7169 in a geotechnical report, shall be used. Any replaced structural stabilization should be
7170 moved as far landward of OHWM as possible. Lesser impacting measures should be
7171 used before more impacting measures.~~

7172 B. ((Structural s))Shoreline stabilization may be permitted subject to the
7173 standards in this chapter and as follows:

7174 1. The applicant shall provide((s)) a geotechnical analysis that demonstrates
7175 that:

7176 a. the site's erosion ((from)) is caused by waves or ((currents is imminently
7177 ~~threatening or that, unless the structural shoreline stabilization is constructed, damage is~~
7178 ~~expected to occur)) and not upland drainage, erosion or landslide hazard areas or
7179 unauthorized clearing or grading; and~~

Commented [JC343]: Scope III.B.1

To better align with state requirements/guidance and reflect current practice:

The new language clarifies:

- What which types of development shoreline stabilization can be used (namely primary structures, new or existing water-dependent development or projects restoring ecological functions or remediating hazardous substance discharges)
- What kind of documentation needs to be provided to the County in order to show that shoreline stabilization is needed.
- That less impactful stabilization measures (like revegetation) are required to be used before more impactful stabilization measures (like bulkheads) can be used.
- That if a site already has a stabilization (like a bulkhead) and it is being replaced, the old stabilization structure has to be removed.

7180 b. The rate of erosion is likely to cause the primary structures, new or existing
7181 water-dependent development or restoration project to be at imminent risk of damage
7182 within three years;

7183 2. ~~((The erosion is not caused by upland conditions;~~

7184 3. ~~The proposed structural shoreline protection will provide greater protection~~
7185 ~~than feasible, nonstructural alternatives such as slope drainage systems, vegetative~~
7186 ~~growth stabilization, gravel berms and beach nourishment;~~

7187 4. ~~The proposal is the minimum necessary to protect existing legally established~~
7188 ~~primary structures, new or existing non water dependent development, new or existing~~
7189 ~~water dependent development or projects restoring ecological functions or remediating~~
7190 ~~hazardous substance discharges; and~~

7191 5. ~~Adequate mitigation measures will be provided to maintain existing shoreline~~
7192 ~~processes and critical fish and wildlife habitat and ensure no net loss or function of~~
7193 ~~intertidal or riparian habitat.)) If the requirements of subsection B.1. of this section are~~
7194 met, the applicant shall include a geotechnical analysis of the following shoreline
7195 stabilization measures and shall use the least ecologically impactful, technically feasible
7196 option. Measures are provided as follows in order from the most preferred to least
7197 preferred:

7198 a. relocating the development further from the shoreline;

7199 b. nonstructural or soft shoreline stabilization, including alternatives described
7200 within the Washington Department of Fish and Wildlife's Marine Shoreline Design
7201 Guidelines; and

7202 c. structural or hard shoreline stabilization;

7203 3. The applicant shall provide a critical area report documenting the presence and
7204 types of wetlands and aquatic areas on the subject site. The report shall document how
7205 the proposal avoids and minimizes impacts to the greatest extent feasible and document
7206 measures taken to mitigate unavoidable impacts to ensure the proposal causes no net loss
7207 of ecological function; and

7208 4. If an existing stabilization structure is replaced, the original structure shall be
7209 removed and the replacement structure shall be of the minimum size necessary to protect
7210 upland development and uses.

7211 C. Shoreline stabilization ~~((to))~~ that replaces existing shoreline stabilization shall
7212 be placed landward of the existing shoreline stabilization ~~((, but may be placed waterward~~
7213 directly abutting the old structure only in cases where removal of the old structure would
7214 result in greater impact on ecological functions. In critical saltwater habitats,)) and the
7215 existing shoreline stabilization shall not be allowed to remain in place. ~~((if the existing~~
7216 shoreline stabilization is resulting in the loss of ecological functions. Adequate
7217 mitigation measures that maintain existing shoreline processes and critical fish and
7218 wildlife habitat must be provided that ensures no net loss or function of intertidal or
7219 riparian habitat.)) The impacts of the proposed replacement shoreline stabilization shall
7220 be mitigated to ensure no net loss of ecological function.

7221 D. The maximum height of the proposed shoreline stabilization shall be no more
7222 than one foot above the elevation of ~~((extreme high water))~~ the highest observed tide on
7223 tidal waters, as determined by ~~((the National Ocean Survey published by))~~ the nearest
7224 National Oceanic and Atmospheric Administration long-term tidal gauge, or four feet in
7225 height on lakes.

Commented [JC344]: Scope III.B.1

To better align with state requirements/guidance and reflect current practice:
Clarifies standards for replacement shoreline stabilization

Commented [JC345]: Scope III.B.1

Updates to reflect current standards/practice

7226 E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater
7227 habitat, unless a geotechnical report demonstrates an imminent danger to a legally
7228 established structure or public improvement. If allowed, shoreline stabilization along
7229 feeder bluffs and critical saltwater habitat must be designed to have the least impact on
7230 these resources and on sediment conveyance systems.

7231 F. Shoreline stabilization shall minimize the adverse impact on the property of
7232 others to the maximum extent practical.

7233 G. A shoreline stabilization's width should be the minimum necessary to provide
7234 protection against erosion from waves, currents and tidal action. New and replacement
7235 ~~((S))~~ shoreline stabilization shall not be used to create new lands.

7236 H. Shoreline stabilization shall not interfere with surface or subsurface drainage
7237 into the water body.

7238 I. Creosote timbers, treated wood, ((A))automobile bodies or other ((junk or
7239 waste)) materials that may release ((undesirable)) toxic material shall not be used for
7240 shoreline stabilization.

7241 J. Shoreline stabilization shall be designed so as not to constitute a hazard to
7242 navigation and to not substantially interfere with visual access to the water.

7243 K. Shoreline stabilization shall be designed so as not to create a need for
7244 shoreline stabilization ~~((elsewhere))~~ on adjacent or down-current properties.

7245 L. Shoreline stabilization shall comply with the Marine Shoreline Design
7246 Guidelines in marine waters (Washington Department of Fish and Wildlife 2014) or the
7247 Integrated Stream Protection Guidelines (Washington state departments of Fish and

Commented [JC346]: Scope III.B.1

To better align with state requirements/guidance and reflect current practice:

The new wording clarifies that shoreline stabilizations should only be used to provide slope stabilization, not to create new lands.

Commented [JC347]: Scope III.B.1

To better align with state requirements/guidance and reflect current practice:

Adds another common material that can pollute and which should not be used for shoreline stabilization

Commented [JC348]: Scope III.B.1

Clarifying edit to reflect existing intent

Commented [JC349]: Scope III.B.1

Specifies the correct documents used to set standards for shoreline stabilization

7248 Wildlife, Ecology and Transportation, 2003) ~~((and shall be designed to allow for~~
7249 ~~appropriate public access to the shoreline))~~ in fresh water.

7250 M. The department shall provide a notice to an applicant for new development or
7251 redevelopment located within the shoreline jurisdiction on Vashon and Maury Island that
7252 the development may be impacted by sea level rise and recommend that the applicant
7253 voluntarily consider setting the development back further than required by this title to
7254 allow for future sea level rise.

7255 SECTION X. Ordinance 13129, Section 2, as amended, and K.C.C. 21A.27.010
7256 are hereby amended to read as follows:

7257 When a new transmission support structure is proposed, a community meeting shall be
7258 convened by the applicant prior to submittal of an application.

7259 A. At least two weeks in advance, notice of the meeting shall be provided as
7260 follows:

- 7261 1. Published in the local paper and mailed to the department, and
- 7262 2. Mailed notice shall be provided to all property owners within five hundred
7263 feet or at least twenty of the nearest property owners, whichever is greater, as required by
7264 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible
7265 development, to be discussed at the community meeting. When the proposed
7266 transmission support structure exceeds a height of one hundred twenty feet, the mailed
7267 notice shall be provided to all property owners within one thousand feet. The mailed
7268 notice shall at a minimum contain a brief description and purpose of the project, the
7269 estimated height, approximate location noted on an assessor map with address and parcel
7270 number, photo or sketch of proposed facility, a statement that alternative sites proposed

7271 by ~~((citizens))~~ the public can be presented at the meeting that will be considered by the
7272 applicant, a contact name and telephone number to obtain additional information and
7273 other information deemed necessary by King County. Because the purpose of the
7274 community meeting is to promote early discussion, applicants are encouraged to note any
7275 changes to the conceptual information presented in the mailed notice when they submit
7276 an application.

7277 B. At the community meeting at which at least one employee of the department
7278 of local services, permitting division, assigned by the permitting division manager or
7279 designee, shall be in attendance, the applicant shall provide information relative to
7280 existing transmission support structures and other nonresidential structures, such as water
7281 towers and electrical transmission lines, within one-quarter mile of potential sites, and
7282 shall discuss reasons why those existing structures are unfeasible. Furthermore, any
7283 alternative sites within one-quarter mile, identified by community members and provided
7284 to the applicant in writing at least five days in advance of the meeting, shall be evaluated
7285 by the applicant to the extent possible given the timeframe, and discussed at the meeting.
7286 A listing of the sites, identified in writing and provided to the applicant at or before the
7287 community meetings, shall be submitted to the department with the proposed application.
7288 Applicants shall also provide a list of meeting attendees and those receiving mailed
7289 notice and a record of the published meeting notice at the time of application submittal.

7290 SECTION X. Ordinance 10870, Section 512, as amended, and K.C.C. 21A.28.020
7291 are hereby amended to read as follows:

7292 A. All new development proposals including any use, activity or structure
7293 allowed by K.C.C. chapter 21A.08 that requires King County approval shall be

Commented [JC350]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

7294 adequately served by the following facilities and services prior to the time of occupancy,
7295 recording or other land use approval, as further specified in this chapter:

- 7296 1. sewage disposal;
- 7297 2. water supply;
- 7298 3. surface water management;
- 7299 4. roads and access;
- 7300 5. fire protection service; and
- 7301 6. schools.

7302 B. All new development proposals for building permits, plats, short plats (~~urban~~
7303 ~~planned developments, fully contained communities~~) and binding site plans, that will be
7304 served by a sewer or water district, shall include a certificate of water availability and a
7305 certificate of sewer availability to demonstrate compliance with this chapter and other
7306 provisions of the King County Code, the King County Comprehensive Plan and the
7307 Growth Management Act.

7308 C. Regardless of the number of sequential permits required, the provisions of this
7309 chapter shall be applied only once to any single development proposal. If changes and
7310 modifications result in impacts not considered when the proposal was first approved, the
7311 county shall consider the revised proposal as a new development proposal.

7312 SECTION X. Ordinance 10870, Section 513, as amended, and K.C.C. 21A.28.030
7313 are hereby amended to read as follows:

7314 All new development shall be served by an adequate public or private sewage
7315 disposal system, including both collection and treatment facilities as follows:

Commented [JC351]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7316 A. A public sewage disposal system is adequate for a development proposal
7317 provided that:

7318 1. For the issuance of a building permit, preliminary plat or short plat approval
7319 or other land use approval, the site of the proposed development is or can be served by an
7320 existing disposal system consistent with K.C.C. Title 13, and the disposal system has
7321 been approved by the department as being consistent with applicable state and local
7322 design and operating guidelines;

7323 2. For the issuance of a certificate of occupancy for a building or change of use
7324 permit, the approved public sewage disposal system as set forth in subsection A.1. of this
7325 section is installed to serve each building or lot;

7326 3. For recording a final plat, final short plat or binding site plan, the approved
7327 public sewage disposal system set forth in subsection A.1. of this section shall be
7328 installed to serve each lot respectively; or a bond or similar security shall be deposited
7329 with King County for the future installation of an adequate sewage disposal system. The
7330 bond may be assigned to a utility to assure the construction of the facilities within two
7331 years of recording; and

7332 4. For a zone reclassification ~~((or urban planned development permit))~~, the
7333 timing of installation of required sewerage improvements shall be contained in the
7334 approving ordinance as specified in K.C.C. 20.22.250; and

7335 B. A private individual sewage system is adequate, if an on-site sewage disposal
7336 system for each individual building or lot is installed to meet the requirements and
7337 standards of the department of public health as to lot size, soils and system design prior to
7338 issuance of a certificate of occupancy for a building or change of use permit.

Commented [JC352]: To reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7339 SECTION X. Ordinance 10870, Section 514, as amended, and K.C.C. 21A.28.040

7340 are hereby amended to read as follows:

7341 All new development shall be served by an adequate public or private water
7342 supply system as follows:

7343 A. A public water system is adequate for a development proposal only if:

7344 1. For the issuance of a building permit, preliminary plat approval or other land
7345 use approval, the applicant demonstrates that the existing water supply system available
7346 to serve the site:

7347 a. complies with the applicable planning, operating and design requirements

7348 of:

7349 (1) chapters WAC 246-290 and 246-291;

7350 (2) K.C.C. chapters 14.42 and 14.44 and K.C.C. Title 17;

7351 (3) coordinated water system plans;

7352 (4) K.C.C. Titles 12 and 13 and other applicable rules of the King County

7353 board of health;

7354 (5) applicable rules of the Washington state Board of Health, Department of

7355 Health, Utilities and Transportation Commission and Department of Ecology;

7356 (6) applicable provisions of King County groundwater management plans and

7357 watershed plans;

7358 (7) applicable provisions of the King County Comprehensive Plan and

7359 development regulations; and

7360 (8) any limitation or condition imposed by the county-approved

7361 comprehensive plan of the water purveyor;

7362 b. The proposed improvements to an existing water system have been
7363 reviewed by the department and determined to comply with the design standards and
7364 conditions specified in subsection A.1.a. of this section; and

7365 c. A proposed new water supply system has been reviewed by the department
7366 and determined to comply with the design standards and conditions specified in
7367 subsection A.1.a. of this section;

7368 2. Before issuance of a certificate of occupancy for a building or change of use
7369 permit, the approved public water system and any system improvements in subsection
7370 A.1. of this section are installed to serve each building or lot respectively;

7371 3. For recording a final plat, final short plat or binding site plan, either the
7372 approved public water supply system or system improvements in subsection A.1. of this
7373 section are installed to serve each lot or a bond or similar security shall be deposited with
7374 King County and may be assigned to a purveyor to assure the construction of required
7375 water facilities in Group A systems as defined by board of health regulations, within two
7376 years of recording; and

7377 4. For a zone reclassification ~~((or urban planned development permit))~~, the
7378 timing of installation of required water system improvements is included in the approving
7379 ordinance as specified in K.C.C. 20.22.250.

7380 B. An on-site individual water system is adequate and the plat or short plat may
7381 receive preliminary and final approval, and a building or change of use permit may be
7382 issued as provided in K.C.C. 13.24.138 and 13.24.140.

7383 SECTION X. Ordinance 10870, Section 515, as amended, and K.C.C. 21A.28.050
7384 are hereby amended to read as follows:

Commented [JC353]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7385 All new development shall be served by an adequate surface water management
7386 system as follows:

7387 A. The proposed system is adequate if the development proposal site is served by
7388 a surface water management system approved by the department as being consistent with
7389 the design, operating and procedural requirements of the King County Surface Water
7390 Design Manual and K.C.C. Title 9;

7391 B. For a subdivision((~~z~~)) or zone reclassification ~~((or urban planned~~
7392 ~~development))~~, the phased installation of required surface water management
7393 improvements shall be stated in the approving ordinance as specified in K.C.C.
7394 20.22.250. Such phasing may require that a bond or similar security be deposited with
7395 King County; and

7396 C. A request for an adjustment of the requirements of the Surface Water Design
7397 Manual and K.C.C. Title 9 shall be reviewed in accordance with K.C.C. 9.04.050 and
7398 does not require a variance from this title unless relief is requested from a building
7399 height, setback, landscaping or other development standard in K.C.C. chapters 21A.12,
7400 21A.14, 21A.16, 21A.18, 21A.20, 21A.22, 21A.24, 21A.26, 21A.28 and 21A.30.

7401 SECTION X. Ordinance 10870, Section 523, as amended, and K.C.C. 21A.28.130
7402 are hereby amended to read as follows:

7403 All new development shall be served by adequate fire protection as follows:

7404 A. The site of the development proposed is served by a water supply system that
7405 provides at least minimum fire flow and a road system or fire lane system that provides life
7406 safety and rescue access, and other fire protection requirements for buildings as required by
7407 K.C.C. Titles 16 and 17;

Commented [JC354]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7408 B. For a zone reclassification ~~((or urban planned development))~~, the timing of
7409 installation of required fire protection improvements shall be stated in the approving
7410 ordinance as specified in K.C.C. 20.22.250, secured with a bond or similar security, and
7411 deposited with King County; and

Commented [JC355]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7412 C. A variance request from the requirements established by K.C.C. Title 17, Fire
7413 Code, shall be reviewed in accordance with K.C.C. 17.08.090 or chapter 1 of the currently
7414 adopted edition of the International Fire Code and does not require a variance from this title
7415 unless relief is requested from a building height, setback, landscaping or other development
7416 standard in K.C.C. chapters 21A.12 through 21A.30.

7417 SECTION X. Ordinance 10870, Section 524, as amended, and K.C.C. 21A.28.140
7418 are hereby amended to read as follows:

7419 A. The school concurrency standard set out in ~~((Section))~~ K.C.C. 21A.28.160 shall
7420 apply to applications for preliminary plats ~~((or Urban Planned Development (UPD)~~
7421 ~~approval))~~, mobile home parks ~~((requests for multifamily zoning))~~ and building permits for
7422 multifamily housing projects which have not been previously evaluated for compliance with
7423 the concurrency standard.

Commented [JC356]: technical correction to reflect existing intent

Commented [JC357]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7424 B. The county's finding of concurrency shall be made at the time of preliminary plat
7425 ~~((or UPD))~~ or binding site plan approval ~~((, at the time that a request to actualize potential~~
7426 ~~multifamily zoning is approved, at the time a mobile home park site plan is approved,))~~ or
7427 prior to building permit issuance for multifamily housing projects which have not been
7428 previously established for compliance with the concurrency standard. ~~((Once such a finding~~
7429 ~~has been made, the development shall be considered as vested for purposes of the~~
7430 ~~concurrency determination.))~~

Commented [JC358]: Removed because according to WAC 365-196-840 "Concurrency describes the situation in which adequate facilities are available **when the impacts of development occur, or within a specified time thereafter.**" An application for a rezone seems too soon to meet this definition, and multifamily development projects is addressed later in this sentence.

Commented [JC359]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC360]: Removed because it is unclear what "actualize" means in this context; if it means to obtain a land use entitlement to create multifamily-zoned lots or a multifamily development, these ideas are captured in this subsection via "preliminary plat approval" and "binding site plan approval". Building permits multifamily housing is also further addressed later in this sentence

Commented [JC361]: Removed because this is inconsistent with the vesting standards clarified in [Potale Village Kirkland, Llc. v. City of Kirkland](#) (2014)

- 7431 C. Excluded from the application of the concurrency standard are:
- 7432 1. building permits for individual single family dwellings;
- 7433 2. any form of housing exclusively for seniors ~~((citizens))~~, including nursing
- 7434 homes and retirement centers;
- 7435 3. shelters for temporary placement, relocation facilities and transitional housing
- 7436 facilities.;
- 7437 4. Replacement, reconstruction or remodeling of existing dwelling units;
- 7438 5. Short subdivisions;
- 7439 6. ~~((Building permits for residential units in preliminary planned unit~~
- 7440 ~~developments which were under consideration by King County on January 22, 1991;~~
- 7441 7. ~~Building permits for residential units in recorded planned unit developments~~
- 7442 ~~approved pursuant to K.C.C. Title 21 that have not yet expired per K.C.C. 21.56.060;~~
- 7443 8. ~~Building permits applied for by December 31, 1993, related to rezone~~
- 7444 ~~applications to actualize potential zoning which were under consideration by King County~~
- 7445 ~~on January 22, 1991;~~
- 7446 9. ~~Building permits applied for by December 31, 1993, related to residential~~
- 7447 ~~development proposals for site plan review to fulfill P-Suffix requirements of multifamily~~
- 7448 ~~zoning which were under consideration by King County on January 22, 1991; and~~
- 7449 10.)) Any residential building permit for any development proposal for which a
- 7450 concurrency determination has already been made pursuant to the terms of K.C.C. Title
- 7451 21A.

- 7452 D. All of the development activities which are excluded from the application of the
- 7453 concurrency standard are subject to school impact fees imposed pursuant to K.C.C. Title 27.

Commented [JC362]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC363]: Removing outdated provisions

Commented [JC364]: Technical correction

7454 E. The assessment and payment of impact fees are governed by and shall be subject
7455 to the provisions in K.C.C. Title 27 addressing school impact fees.

7456 F. A ~~((certification of concurrency for))~~ recommendation of adoption of a school
7457 district's capital facilities plan shall not preclude the county from collecting impact fees for
7458 the district. Impact fees may be assessed and collected as long as the fees are used to fund
7459 capital and system improvements needed to serve the new development, and as long as the
7460 use of such fees is consistent with the requirements of ~~((C))~~chapter 82.02 RCW and this
7461 chapter. Pursuant to ~~((C))~~chapter 82.02 RCW, impact fees may also be used to recoup
7462 capital and system improvement costs previously incurred by a school district to the extent
7463 that new growth and development will be served by the previously constructed
7464 improvements or incurred costs.

7465 SECTION X. Ordinance 10870, Section 526, as amended, is hereby recodified as
7466 K.C.C. 21A.28.145.

7467 SECTION X. Ordinance 10870, Section 526, as amended, as recodified by this
7468 ordinance, is hereby amended to read as follows:

7469 A. Schools shall be considered to have been provided concurrently with the
7470 development ~~((which))~~ that will impact the schools if:

7471 1. The permanent and interim improvements necessary to serve the development
7472 are planned to be in place at the time the impacts of development are expected to occur; or

7473 2. The necessary financial commitments are in place to assure the completion of
7474 the needed improvements to meet the school district's standard of service within ~~((3))~~ three
7475 years of the time that the impacts of development are expected to occur. Necessary

Commented [JC365]: To reflect existing intent and current practice

Commented [JC366]: Technical corrections

Commented [JC367]: Reorders for clarity to have school concurrency sections to be together and School Technical Review Committee sections together.
Need to confirm this language/approach/numbering with Bruce.

Commented [JC368]: Technical cleanup throughout

7476 improvements are those facilities identified by the school district in its capital facilities plan
7477 as reviewed and adopted by King County.

7478 B. Any combination of the following shall constitute the "necessary financial
7479 commitments" for the purposes of subsection A of this section.

7480 1. The school district has received voter approval of a bond ~~((and/or))~~ has bonding
7481 authority or both;

7482 2. The school district has received approval for federal, state~~((s))~~ or other funds;

7483 3. The school district has received a secured commitment from a developer that the
7484 developer will construct the needed permanent school facility, and the school district has
7485 found such facility to be acceptable and consistent with its capital facilities plan; ~~((and))~~ or

7486 4. The school district has other assured funding, including but not limited to school
7487 impact fees which have been paid.

7488 C. Compliance with this concurrency requirement of this section shall be sufficient
7489 to satisfy the provisions of RCW 58.17.060 and ~~((RCW))~~ 58.17.110.

7490 SECTION X. Ordinance 10870, Section 528, is hereby recodified as K.C.C.
7491 21A.28.147.

7492 SECTION X. Ordinance 10870, Section 525, as amended, and K.C.C. 21A.28.150
7493 are hereby amended to read as follows:

7494 A. In making a threshold determination pursuant to SEPA, the director ~~((and))~~ or
7495 the hearing examiner or both, in the course of reviewing proposals for residential
7496 development including applications for plats ~~((or UPD's))~~, mobile home parks, ~~((or multi-~~
7497 ~~family zoning))~~ binding site plans, and multifamily building permits, shall consider the
7498 school district's capital facilities plan as adopted by the council.

Commented [JC369]: Reorders for clarity to have school concurrency sections to be together and School Technical Review Committee sections together.

Commented [JC370]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC371]: Removed because according to WAC 365-196-840 "Concurrency describes the situation in which adequate facilities are available **when the impacts of development occur, or within a specified time thereafter.**" An application for a rezone seems too soon to meet this definition, and multifamily development projects is addressed later in this sentence.

7499 B. Documentation (~~(which)~~) that the school district is required to submit pursuant
7500 to (~~(section)~~) K.C.C. 21A.28.152 or Title 20(~~(-)~~) shall be incorporated into the record in
7501 every case without requiring the school district to offer such plans and data into the
7502 record. The school district is also authorized to present testimony and documents
7503 demonstrating a lack of concurrency in the school district and the inability of the school
7504 district to accommodate the students to be generated by a specific development.

Commented [JC372]: Technical cleanup

7505 C. Based upon a finding that the impacts generated by the plat, (~~(the UPD,)~~)
7506 mobile home park or the multi-family development were generally not anticipated at the
7507 time of the last council review and approval of a school district capital plan and were not
7508 included in the school district's long-range forecast, the director may require or
7509 recommend phasing or provision of the needed facilities and (~~(/or)~~) sites as appropriate to
7510 address the deficiency or deny or condition approval, consistent with the provisions of
7511 this chapter, the State Subdivision Act, and the State Environmental Policy Act.

Commented [JC373]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7512 D. Determinations of the examiner or director regarding concurrency can be
7513 appealed only pursuant to the provisions for appeal of the development permit process for
7514 which the determination has been made. Where no other administrative appeal process is
7515 available, an appeal may be taken to the hearing examiner using the appeal procedures
7516 for variances. Any errors in the formula identified as a result of an appeal should be
7517 referred to the council for possible modifications.

7518 E. Where the council has not adopted an impact fee ordinance for a particular
7519 school district, the language of this section shall not affect the authority or duties of the
7520 examiner or the director pursuant to the State Environmental Policy Act or the State
7521 Subdivision Act.

7522 SECTION X. Ordinance 11621, Section 89, and K.C.C. 21A.28.152 are hereby
7523 amended to read as follows:

7524 A. On an annual basis, each school district shall submit the following materials to
7525 the chair of the School Technical Review Committee, referenced in this section as "the
7526 committee", created pursuant to ~~((section))~~ K.C.C. 21A.28.154:

7527 1. The school district's capital facilities plan adopted by the school board which
7528 is consistent with the Growth Management Act.

7529 2. The school district's enrollment projections over the next six ~~((6))~~ six years,
7530 its current enrollment and ~~((the district's enrollment projections and))~~ actual enrollment
7531 from the previous year.

7532 3. The school district's standard of service, which may include criteria such as
7533 class size, student-teacher ratios, sports field sizes, building requirements or other criteria
7534 established by state statute or school district policy.

7535 4. An inventory and evaluation of school district facilities which address the
7536 school district's standard of service.

7537 5. The school district's overall capacity over the next six ~~((6))~~ six years, which
7538 shall be a function of the school district's standard of service as measured by the number
7539 of students which can be housed in school district facilities.

7540 B. To the extent that the school district's standard of service reveals a deficiency
7541 in its current facilities, the school district's capital facilities plan must demonstrate a plan
7542 for achieving the standard of service, and must identify the sources of funding for
7543 building or acquiring the necessary facilities to meet the standard of service.

Commented [JC374]: Edits throughout for clarity and to reflect current practice and/or existing intent

7544 C. Facilities to meet future demand shall be designed to meet the adopted
7545 standards of service. If sufficient funding is not projected to be available to fully fund a
7546 school district capital facilities plan ~~((which))~~ that meets the standard of service, the
7547 school district's capital plan should document the reason for the funding gap.

7548 D. Materials submitted in compliance with subsections A. through C. of this
7549 section shall be distributed by the chair of the committee to the committee members.

7550 E. In accordance with RCW 82.02.070, ((#))if an impact fee ordinance has been
7551 adopted on behalf of a school district, the King County Finance and Business Operations
7552 Division, or successor agency, shall send the chair of the committee a report showing the
7553 source and amount of all fees collected, interest earned on behalf of each school district,
7554 the amount of funds distributed to each school district and the system improvements that
7555 were financed in whole or in part by impact fees and the amount of funds expended as
7556 reported by the school district. The chair of committee shall provide a copy of each
7557 report to the respective school district.

7558 F. ~~((The))~~ Each school district that withdrew funds in the previous year shall
7559 ~~((also))~~ submit an ((annual)) expenditure report to the ((School Technical Review)) chair
7560 of the ((C))committee showing the capital improvements ((which)) that were financed in
7561 whole or in part by the impact fees.

7562 SECTION X. Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154
7563 are hereby amended to read as follows:

7564 A. There is hereby created ~~((#))~~ the ((s))School ((t))Technical ((#))Review
7565 ~~((e))~~ Committee, referenced in this section as "the committee", ((within King County.

Commented [JC375]: Edits throughout for clarity and to reflect current practice and/or existing intent

7566 ~~The committee shall consist of three county staff persons,)~~ consisting of the following
7567 representatives:

7568 1. one ~~((each))~~ from the department of local services~~((s));~~

7569 2. one from the office of performance, strategy and budget; and

7570 3. one from the county council.

7571 B. The representative from the department of local services shall serve as the
7572 chair of the committee.

7573 C. The committee shall be charged with reviewing each school district's capital
7574 facilities plan~~((s));~~ enrollment projections~~((s));~~ standard of service~~((s));~~ the school
7575 district's overall capacity for the next six years to ensure consistency with the Growth
7576 Management Act, King County Comprehensive Plan and adopted ~~((community))~~ subarea
7577 plans~~((s));~~ and the school district's calculation and rationale for proposed impact fees.

7578 ~~((C-))~~ D. Notice of the time and place of the committee meetings where the
7579 school district's documents will be considered shall be provided to the school district.

7580 ~~((D-))~~ E. At the meeting where the committee will review or act upon the school
7581 district's documents, ~~((the))~~ school district staff or their representatives or both ~~((shall~~
7582 ~~have the right))~~ may to attend ~~((or to be represented, and shall be permitted to))~~ present
7583 testimony to the committee.

7584 F. Committee ~~((M))~~ meetings shall ~~((also))~~ be open to the public. The chair of the
7585 committee shall post online public notice of the time and place of a committee meeting
7586 least two weeks in advance of the meeting. Materials submitted pursuant to subsections

7587 A. through C. of K.C.C. 21A.28.154 shall be posted online at the same time as the
7588 meeting notice.

7589 ~~((E-))~~ G. In its review, the committee shall consider the following factors:

7590 1. Whether the school district's forecasting system for enrollment projections

7591 has been demonstrated to be reliable and reasonable.

7592 2. The historic levels of funding and voter support for bond issues in the school

7593 district;

7594 3. The inability of the school district to obtain the anticipated state funding or to

7595 receive voter approval for school district bond issues;

7596 4. An emergency or emergencies in the school district which required the

7597 closing of a school facility or facilities resulting in a sudden and unanticipated decline in

7598 districtwide capacity; ~~((and))~~

7599 5. The standards of service set by school districts in similar types of

7600 communities. While community differences will be permitted, the standard established

7601 by the school district should be reasonably consistent with the standards set by other

7602 school districts in communities of similar socioeconomic profile; and

7603 6. The standards identified by the state concerning the ratios of certificated

7604 instructional staff to students.

7605 ~~((F-))~~ H. In the event that the school district's standard of service reveals a

7606 deficiency in its current facilities, the committee shall review the school district's capital

7607 facilities plan to determine whether the school district has identified all sources of

7608 funding necessary to achieve the standard of service.

7609 ~~((G-))~~ The school district in developing the financing plan component of the

7610 capital facilities plan shall plan on a six-year horizon and shall ~~((demonstrate its best~~

7611 ~~efforts by taking))~~ document that it took the following steps:

7612 1. Establish a six-year financing plan, and propose the necessary bond issues
7613 and levies required by and consistent with that plan and as approved by the school board
7614 and consistent with RCW 28A.53.020, 84.52.052 and 84.52.056, as amended; and

7615 2. Apply to the state for funding, and comply with the state requirement for
7616 eligibility to the best of the school district's ability.

7617 ~~((H-))~~ J. The committee ~~((is authorized to))~~ may request ~~((the))~~ that a school
7618 district ~~((to))~~ review and to resubmit its capital facilities plan, ~~((or to))~~ establish a
7619 different standard of service~~((,))~~ or ~~((to))~~ review its capacity for accommodating new
7620 students, or any combination thereof, under the following circumstances:

7621 1. The standard of service established by the school district is not reasonable in
7622 light of the factors set forth in subsection ~~((E-))~~ G. of this section.

7623 2. The committee finds that the school district's standard of service cannot
7624 reasonably be achieved in light of the secured financial commitments and the historic
7625 levels of support in the school district; or

7626 3. Any other basis that is consistent with this section.

7627 ~~((I-))~~ K. If a school district fails to submit its capital facilities plan for review by
7628 the committee, King County shall assume the school district has adequate capacity to
7629 accommodate growth for the following six years.

7630 ~~((J-))~~ L. The chair of the committee shall document the committee's
7631 recommendation for each school district's capital facility plan and associated proposed
7632 impact fees in a report. The report shall include the committee's analysis consistent with
7633 the requirements in subsections E. through I. of this section. The recommendation report
7634 shall be reviewed and concurred with by the committee members. The chair of ~~((F-))~~ the

7635 committee shall submit copies of its ~~((recommendation of concurrency for each school~~
7636 ~~district))~~ report to the director, ~~((to the))~~ hearing examiner and ~~((to the))~~ school districts
7637 and shall post the report online.

7638 ~~((K.))~~ M. In accordance with K.C.C. 20.18.060 and 20.18.070, ~~((F))~~the
7639 committee shall recommend to the executive, and the executive shall transmit to the
7640 council, a proposed Comprehensive Plan amendment adopting the school district's capital
7641 facilities plan as part of the Comprehensive Plan, for any plan which the committee
7642 concludes accurately reflects the school district's facilities status. The transmittal shall
7643 include the report required by subsection J. of this section.

7644 ~~((L.))~~ N. In the event that after reviewing ~~((the))~~ a school district's capital
7645 facilities plan and other documents, the committee is unable to recommend ~~((certifying~~
7646 ~~concurrency in a))~~ adoption of the school district's capital facilities plan, the chair of the
7647 committee shall submit a statement to the council, ~~((the))~~ director, ~~((and the))~~ hearing
7648 examiner and school district stating ~~((that))~~ the committee's ~~((is unable to recommend~~
7649 ~~certifying concurrency in a specific school district))~~ findings. The committee shall then
7650 recommend to the executive, ~~((that))~~ and the executive ~~((propose))~~ shall transmit to the
7651 council consistent with the school capital facility plan timelines established in K.C.C.
7652 20.18.060 and 20.18.070, proposed amendments to the land use element of the King
7653 County Comprehensive Plan or proposed amendments to the development regulations
7654 implementing the plan or both to more closely conform county land use plans and school
7655 district capital facilities plans, including but not limited to requiring mandatory phasing
7656 of plats ~~((UPDs))~~ or multifamily development located within the school district's
7657 boundary. ~~((The necessary draft amendments shall accompany such recommendations.))~~

Commented [JC376]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7658 SECTION X. Ordinance 11621, Section 91, as amended, and K.C.C. 21A.28.156

7659 are hereby amended to read as follows:

7660 A. On at least an annual basis in accordance with K.C.C. 20.18.060 and
7661 20.18.070, the King County council shall ~~((certify))~~ adopt the school district's capital
7662 facility plans. ~~((The review may occur in conjunction with any update of the Facilities~~
7663 ~~and Services chapter of the King County Comprehensive Plan proposed by the school~~
7664 ~~technical review committee.))~~

7665 B. The council shall review and consider any proposal or proposals submitted by
7666 the School Technical Review ~~((e))~~Committee, referenced in this section as "the
7667 committee", for amending the land use policies of the King County Comprehensive Plan,
7668 or the development regulations implementing the plan, including but not limited to
7669 requiring mandatory phasing of plats ~~((UPDs))~~ or multifamily development when the
7670 committee is unable to recommend ~~((a certification of concurrency in))~~ adoption for a
7671 specific school district in accordance with K.C.C. 21A.28.154. Any proposed
7672 amendments to the comprehensive plan or development regulations shall be subject to the
7673 public hearing and other procedural requirements set out in K.C.C. Title 20 ~~((or 21A, as~~
7674 ~~applicable)).~~

7675 C. The council may ~~((require the committee to submit proposed amendments or~~
7676 ~~may itself))~~ initiate amendments to the land use policies of the King County
7677 Comprehensive Plan, or amendments to the development regulations implementing the
7678 plan, to more closely conform county land use plans and school district capital facilities
7679 plans.

Commented [JC377]: Edits throughout for clarity and to reflect current practice and/or existing intent

Commented [JC378]: To reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

7680 SECTION X. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080

7681 are hereby amended to read as follows:

7682 In the R, UR, NB, CB and RB zones, residents of a dwelling unit may conduct one
7683 or more home occupations as accessory activities, only if:

7684 A. The total floor area of the dwelling unit devoted to all home occupations shall
7685 not exceed twenty percent of the floor area of the dwelling unit.

7686 B. Areas within garages and storage buildings shall not be considered part of the
7687 dwelling unit and may be used for activities associated with the home occupation;

7688 C. All the activities of the home occupation or occupations shall be conducted
7689 indoors, except for those related to growing or storing of plants used by the home
7690 occupation or occupations;

7691 D. A home occupation or occupations is not limited in the number of employees
7692 that remain off-site. No more than one nonresident employee shall be permitted to work on-
7693 site for the home occupation or occupations;

7694 E. The following uses, by the nature of their operation or investment, tend to
7695 increase beyond the limits permitted for home occupations. Therefore, the following shall
7696 not be permitted as home occupations:

- 7697 1. Automobile, truck and heavy equipment repair;
- 7698 2. Auto body work or painting;
- 7699 3. Parking and storage of heavy equipment;
- 7700 4. Storage of building materials for use on other properties;
- 7701 5. Hotels, motels or organizational lodging;
- 7702 6. Dry cleaning;

- 7703 7. Towing services;
- 7704 8. Trucking, storage or self service, except for parking or storage of one
7705 commercial vehicle used in home occupation;
- 7706 9. Veterinary clinic;
- 7707 10. Recreational (~~marijuana~~) cannabis processor, recreational (~~marijuana~~)
7708 cannabis producer or recreational (~~marijuana~~) cannabis retailer; and
- 7709 11. Winery, brewery, distillery facility I, II and III, and remote tasting room,
7710 except that home occupation adult beverage businesses operating under an active
7711 Washington state Liquor and Cannabis Board production license issued for their current
7712 location before December 31, 2019, and where King County did not object to the location
7713 during the Washington state Liquor and Cannabis Board license application process, shall be
7714 considered legally nonconforming and allowed to remain in their current location subject to
7715 K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of
7716 December 31, 2019. Such nonconforming businesses shall remain subject to all other
7717 requirements of this section and other applicable state and local regulations. The resident
7718 operator of a nonconforming winery, brewery or distillery home occupation shall obtain an
7719 adult beverage business license in accordance with K.C.C. chapter 6.74;
- 7720 F. In addition to required parking for the dwelling unit, on-site parking is provided
7721 as follows:
- 7722 1. One stall for each nonresident employed by the home occupations; and
7723 2. One stall for patrons when services are rendered on-site;
- 7724 G. Sales are limited to:
- 7725 1. Mail order sales;

Commented [JC379]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

- 7726 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
7727 and
- 7728 3. Items accessory to a service provided to patrons who receive services on the
7729 premises;
- 7730 H. On-site services to patrons are arranged by appointment;
- 7731 I. The home occupation or occupations use or store a vehicle for pickup of materials
7732 used by the home occupation or occupations or the distribution of products from the site,
7733 only if:
- 7734 1. No more than one such a vehicle is allowed; and
7735 2. The vehicle is not stored within any required setback areas of the lot or on
7736 adjacent streets; and
- 7737 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one
7738 ton;
- 7739 J. The home occupation or occupations do not:
- 7740 1. Use electrical or mechanical equipment that results in a change to the occupancy
7741 type of the structure or structures used for the home occupation or occupations; or
7742 2. Cause visual or audible interference in radio or television receivers, or electronic
7743 equipment located off-premises or fluctuations in line voltage off-premises;
- 7744 K. There shall be no exterior evidence of a home occupation, other than growing or
7745 storing of plants under subsection C. of this section or a permitted sign, that would cause the
7746 premises to differ from its residential character. Exterior evidence includes, but is not
7747 limited to, lighting, the generation or emission of noise, fumes or vibrations as determined

7748 by using normal senses from any lot line or on average increase vehicular traffic by more
7749 than four additional vehicles at any given time;

7750 L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
7751 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

7752 M. Uses not allowed as home occupations may be allowed as a home industry under
7753 K.C.C. 21A.30.090.

7754 SECTION X. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085
7755 are hereby amended to read as follows:

7756 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
7757 home occupations as accessory activities, under the following provisions:

7758 A. The total floor area of the dwelling unit devoted to all home occupations shall
7759 not exceed twenty percent of the dwelling unit.

7760 B. Areas within garages and storage buildings shall not be considered part of the
7761 dwelling unit and may be used for activities associated with the home occupation;

7762 C. Total outdoor area of all home occupations shall be permitted as follows:

7763 1. For any lot less than one acre: Four hundred forty square feet; and

7764 2. For lots one acre or greater: One percent of the area of the lot, up to a
7765 maximum of five thousand square feet.

7766 D. Outdoor storage areas and parking areas related to home occupations shall be:

7767 1. No less than twenty-five feet from any property line; and

7768 2. Screened along the portions of such areas that can be seen from an adjacent
7769 parcel or roadway by the:

7770 a. planting of Type II landscape buffering; or

7771 b. use of existing vegetation that meets or can be augmented with additional
7772 plantings to meet the intent of Type II landscaping;

7773 E. A home occupation or occupations is not limited in the number of employees
7774 that remain off-site. Regardless of the number of home occupations, the number of
7775 nonresident employees is limited to no more than three who work on-site at the same
7776 time ~~((and no more than three who report to the site but primarily provide services off-~~
7777 ~~site));~~

Commented [JC380]: Removes unenforceable language.

7778 F. In addition to required parking for the dwelling unit, on-site parking is
7779 provided as follows:

- 7780 1. One stall for each nonresident employed on-site; and
- 7781 2. One stall for patrons when services are rendered on-site;

7782 G. Sales are limited to:

- 7783 1. Mail order sales;
- 7784 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 7785 3. Items accessory to a service provided to patrons who receive services on the
7786 premises;
- 7787 4. Items grown, produced or fabricated on-site; and
- 7788 5. On sites five acres or larger, items that support agriculture, equestrian or
7789 forestry uses except for the following:

7790 a. motor vehicles and parts (North American Industrial Classification System
7791 ("NAICS" Code 441);

7792 b. electronics and appliances (NAICS Code 443); and

7793 c. building material and garden equipments and supplies (NAICS Code 444);

7794 H. The home occupation or occupations do not:

7795 1. Use electrical or mechanical equipment that results in a change to the
7796 occupancy type of the structure or structures used for the home occupation or
7797 occupations;

7798 2. Cause visual or audible interference in radio or television receivers, or
7799 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

7800 3. Increase average vehicular traffic by more than four additional vehicles at any
7801 given time;

7802 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
7803 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

7804 J. The following uses, by the nature of their operation or investment, tend to
7805 increase beyond the limits permitted for home occupations. Therefore, the following
7806 shall not be permitted as home occupations:

7807 1. Hotels, motels or organizational lodging;

7808 2. Dry cleaning;

7809 3. Automotive towing services, automotive wrecking services and tow-in
7810 parking lots;

7811 4. Recreational ((~~marijuana~~)) cannabis processor, recreational ((~~marijuana~~))
7812 cannabis producer or recreational ((~~marijuana~~)) cannabis retailer; and

7813 5. Winery, brewery, distillery facility I, II and III, and remote tasting rooms,
7814 except that home occupation adult beverage businesses operating under an active
7815 Washington state Liquor and Cannabis Board production license issued for their current
7816 location before December 31, 2019, and where King County did not object to the location

Commented [JC381]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

7817 during the Washington state Liquor and Cannabis Board license application process, shall
7818 be considered legally nonconforming and allowed to remain in their current location
7819 subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this
7820 section as of December 31, 2019. Such nonconforming businesses shall remain subject
7821 to all other requirements of this section and all applicable state and local regulations. The
7822 resident operator of a nonconforming home occupation winery, brewery or distillery shall
7823 obtain an adult beverage business license in accordance with K.C.C. chapter 6.74;

7824 K. Uses not allowed as home occupation may be allowed as a home industry
7825 under K.C.C. chapter 21A.30; and

7826 L. The home occupation or occupations may use or store vehicles, as follows:

7827 1. The total number of vehicles for all home occupations shall be:

7828 a. for any lot five acres or less: two;

7829 b. for lots greater than five acres: three; and

7830 c. for lots greater than ten acres: four;

7831 2. The vehicles are not stored within any required setback areas of the lot or on
7832 adjacent streets; and

7833 3. The parking area for the vehicles shall not be considered part of the outdoor
7834 storage area provided for in subsection C. of this section.

7835 SECTION X. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090
7836 are hereby amended to read as follows:

7837 A resident may establish a home industry as an accessory activity, as follows:

7838 A. The site area is one acre or greater;

7839 B. The area of the dwelling unit used for the home industry does not exceed fifty
7840 percent of the floor area of the dwelling unit.

7841 C. Areas within attached garages and storage buildings shall not be considered
7842 part of the dwelling unit for purposes of calculating allowable home industry area but
7843 may be used for storage of goods associated with the home industry;

7844 D. No more than six nonresidents who work on-site at the time;

7845 E. In addition to required parking for the dwelling unit, on-site parking is
7846 provided as follows:

7847 1. One stall for each nonresident employee of the home industry; and

7848 2. One stall for customer parking;

7849 F. Additional customer parking shall be calculated for areas devoted to the home
7850 industry at the rate of one stall per:

7851 1. One thousand square feet of building floor area; and

7852 2. Two thousand square feet of outdoor work or storage area;

7853 G. Sales are limited to items produced on-site, except for items collected, traded
7854 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

7855 H. Ten feet of Type I landscaping are provided around portions of parking and
7856 outside storage areas that are otherwise visible from adjacent properties or public rights-
7857 of-way;

7858 I. The department ensures compatibility of the home industry by:

7859 1. Limiting the type and size of equipment used by the home industry to those
7860 that are compatible with the surrounding neighborhood;

- 7861 2. Providing for setbacks or screening as needed to protect adjacent residential
7862 properties;
- 7863 3. Specifying hours of operation;
- 7864 4. Determining acceptable levels of outdoor lighting; and
- 7865 5. Requiring sound level tests for activities determined to produce sound levels
7866 that may be in excess of those in K.C.C. chapter 12.88;

7867 J. Recreational ~~((marijuana))~~ cannabis processors, recreational ~~((marijuana))~~
7868 cannabis producers and recreational ~~((marijuana))~~ cannabis retailers shall not be allowed
7869 as home industry; and

7870 K. Winery, brewery, distillery facility I, II and III, and remote tasting room shall
7871 not be allowed as home industry, except that home industry adult beverage businesses
7872 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit
7873 application before December 31, 2019, shall be considered legally nonconforming and
7874 allowed to remain in their current location subject to K.C.C. 21A.32.020 through
7875 21A.32.075. Such nonconforming businesses remain subject to all other requirements of
7876 this section and all applicable state and local regulations. The resident operator of a
7877 nonconforming winery, brewery or distillery home industry shall obtain an adult
7878 beverage business license in accordance with K.C.C. chapter 6.74.

7879 SECTION X. Ordinance 10870, Section 555, as amended, and K.C.C. 21A.32.180
7880 are hereby amended to read as follows:

7881 One temporary real estate office may be located on any new residential
7882 development, provided that activities are limited to the initial sale or rental of property or
7883 units within the development. The office use shall be discontinued within one year of

Commented [JC382]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

7884 recording of a short subdivision or issuance of a final certificate of occupancy for a~~(#)~~
7885 duplex, triplex, fourplex or apartment development, and within two years of the recording of
7886 a formal subdivision.

Commented [JC383]: Scope II.C.1
Part of middle housing, to reflect new housing types.

7887 SECTION X. Ordinance 10870, Section 559, and K.C.C. 21A.32.220 are hereby
7888 amended to read as follows:

7889 In order to ~~((insure))~~ ensure that significant features of the property are protected
7890 pursuant to K.C.C. chapter 20.62, the following standards shall apply to conversion of
7891 historic buildings:

Commented [JC384]: Technical cleanup

Commented [JC385]: Technical cleanup

7892 A. Gross floor area of building additions or new buildings required for the
7893 conversion shall not exceed ~~((20))~~ twenty percent of the gross floor area of the historic
7894 building, unless allowed by the zone;

Commented [JC386]: Technical cleanup

7895 B. Conversions to duplexes, triplexes, fourplexes or apartments shall not exceed one
7896 dwelling unit for each ~~((3,600))~~ three thousand six hundred square feet of lot area, unless
7897 allowed by the zone; and

Commented [JC387]: Scope II.C.1
Part of middle housing, to reflect new housing types.

Commented [JC388]: Technical cleanup

7898 C. Any construction required for the conversion shall require certification of
7899 appropriateness from the King County Landmark Commission.

7900 SECTION X. Ordinance 17710, Section 14, as amended, and K.C.C. 21A.32.250
7901 are hereby amended to read as follows:

7902 For those recreational ~~((marijuana))~~ cannabis production and processing facilities
7903 requiring a conditional use permit under this title, as part of the permit review process,
7904 the department may require the applicant to submit an odor management plan for any
7905 areas of indoor processing or ventilation of any structure used to produce or process
7906 ~~((marijuana))~~ cannabis. The purpose of such plan is to minimize odors and fumes from

Commented [JC389]: Changing "marijuana" terminology to "cannabis" to help reduce the historic and racist stigmatization of cannabis use and to align with recent changes in state law.

7907 chemicals or products used in or resulting from either production or processing, or both,
7908 of ~~((marijuana))~~ cannabis.

7909 SECTION X. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010 are
7910 hereby amended to read as follows:

7911 _____A. The purpose of the transfer of development rights program is to transfer
7912 residential density from eligible sending sites to eligible receiving sites through a voluntary
7913 process that permanently preserves urban, rural and resource lands that provide a public
7914 benefit. The TDR provisions are intended to supplement land use regulations, resource
7915 protection efforts and open space acquisition programs and to encourage increased
7916 residential development density or increased commercial square footage, especially inside
7917 cities, where it can best be accommodated with the least impacts on the natural environment
7918 and public services by:

7919 1. Providing an effective and predictable incentive process for property owners of
7920 rural, resource, ~~((and))~~ urban separator, and other eligible urban land to preserve lands with
7921 a public benefit as described in K.C.C. 21A.37.020; and

7922 2. Providing an efficient and streamlined administrative review system to ensure
7923 that transfers of development rights to receiving sites are evaluated in a timely way and
7924 balanced with other county goals and policies, and are adjusted to the specific conditions of
7925 each receiving site.

7926 B. The TDR provisions in this chapter shall only apply to TDR receiving site
7927 development proposals:

7928 1. Submitted on or after September 17, 2001, and applications for approval of
7929 TDR sending sites submitted on or after September 17, 2001; and

Commented [JC390]: To reflect that urban sites, other than urban separators, are also currently eligible under specific funding scenarios.

7930 2. For properties within the Skyway-West Hill or North Highline community
7931 service area subarea geographies, only as provided in K.C.C. chapter 21A.48.

7932 SECTION X. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030 are
7933 hereby amended to read as follows:

7934 A. Receiving sites shall be:

7935 1. King County unincorporated urban sites, except as limited in subsection D. of
7936 this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof. The
7937 sites may also be within potential annexation areas established under the countywide
7938 planning policies; or

7939 2. Cities where new growth is or will be encouraged under the Growth
7940 Management Act and the countywide planning policies and where facilities and services
7941 exist or where public investments in facilities and services will be made, or

7942 3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that
7943 meet the criteria listed in this subsection A.3. may receive development rights transferred
7944 from rural forest focus areas, and accordingly may be subdivided and developed at a
7945 maximum density of one dwelling per two and one-half acres. Increased density allowed
7946 through the designation of rural receiving areas:

7947 a. must be eligible to be served by domestic Group A public water service;

7948 b. must be located within one-quarter mile of an existing predominant pattern of
7949 rural lots smaller than five acres in size;

7950 c. must not adversely impact regionally or locally significant resource areas or
7951 critical areas;

7952 d. must not require public services and facilities to be extended to create or
7953 encourage a new pattern of smaller lots;

7954 e. must not be located within rural forest focus areas; and

7955 f. must not be located on Vashon Island or Maury Island.

7956 B. Except as provided in this chapter, development of an unincorporated King
7957 County receiving site shall remain subject to all zoning code provisions for the base zone,
7958 except TDR receiving site developments shall comply with dimensional standards of the
7959 zone with a base density most closely comparable to the total approved density of the TDR
7960 receiving site development.

7961 C. Except as provided in this Title, ((A))an unincorporated King County receiving
7962 site may accept development rights from one or more sending sites, as follows:

7963 1. For short subdivisions, up to the maximum density permitted under K.C.C.
7964 21A.12.030 and 21A.12.040; and

7965 2. For formal subdivisions, only ~~((as authorized in a subarea study that includes a~~
7966 ~~comprehensive analysis of the impacts of receiving development rights))~~ if the Hearing
7967 Examiner finds that use of TDRs at the proposed subdivision does not create additional,
7968 unmitigated impacts.

7969 D. Property located within the outer boundaries of the Noise Remedy Areas as
7970 identified by the Seattle-Tacoma International Airport may not accept development rights.

7971 E. Property located within the shoreline jurisdiction or located on Vashon Island or
7972 Maury Island may not accept development rights.

7973 SECTION X. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.43.040
7974 are hereby amended to read as follows:

Commented [JC391]: To capture that use of Transfer of Development Rights are also allowed in other instances not listed here, such as for accessory dwelling units and in inclusionary housing proposals

Commented [JC392]: "Subarea studies" is a term that has inconsistent definitions and usage throughout the Comp Plan and code. Upon review of the references to subarea studies, it was determined that the "subarea study" requirements could either be met via an area zoning and land use study and/or a subarea plan (depending on the case) in current practice or were not applicable in the instance it was being referenced. Subarea study references are replaced by area zoning and land use studies and/or subarea plans, or removed, to reflect existing intent. The subarea study definition will be removed, as it is no longer necessary.

In this case, of Transfer of Development Rights (TDRs), the study requirement is redundant to existing reviews that occur as part of departmental review of subdivision applications. So, the additional study requirement is proposed for removal. However, the code is also proposed be updated to ensure that review of the subdivision application by the Hearing Examiner would need to include a finding that the use of TDRs doesn't create additional, unmitigated impacts.

7975 A. The number of residential development rights that an unincorporated sending
7976 site is eligible to send to a receiving site shall be determined by applying the TDR
7977 sending site base density established in subsection ~~((D.))~~ E. of this section to the area of
7978 the sending site, after deducting the area associated with any existing development, any
7979 retained development rights and any portion of the sending site already in a conservation
7980 easement or other similar encumbrance. For each existing dwelling unit or retained
7981 development right, the sending site area shall be reduced by an area equivalent to the base
7982 density for that zone under K.C.C. 21A.12.030.

7983 B. Any fractions of development rights that result from the calculations in
7984 subsection A. of this section shall not be included in the final determination of total
7985 development rights available for transfer.

7986 C. If the number of transferable development rights available at a sending site
7987 resulting from the calculations in subsection A. of this section is less than the base
7988 density of the sending site as calculated in accordance with K.C.C. chapter 21A.12, then
7989 the transferable development rights from the sending site shall be equal to the base
7990 density.

7991 D. For purposes of calculating the amount of development rights a sending site
7992 can transfer, the amount of land contained within a sending site shall be determined as
7993 follows:

7994 1. If the sending site is an entire tax lot, the square footage or acreage shall be
7995 determined by:

7996 a. ~~((by))~~ the King County department of assessments records; ~~((or))~~

Commented [JC393]: Scope III.C.3

Under current Transfer of Development Rights (TDR) calculations, a RA-5 19.9 acre site would get 3 TDRs. But, if developed under the base densities established in K.C.C. Chapter 21A.12, the site could get 4 dwelling units. This new language would allow for as many TDRs as there are possible developable dwelling units; in this example, the site would now be eligible for 4 TDRs.

7997 b. geographic information system (GIS) mapping confirmed by King County;
7998 or
7999 c. ~~(by)~~ a survey funded by the applicant that has been prepared and stamped
8000 by a surveyor licensed in the state of Washington; and

Commented [JC394]: Scope III.C.3

To reflect another way to determine lot size, while still ensuring King County oversight. GIS is also currently used in subsection-2 below

8001 2. If the sending site consists of a lot that is divided by a zoning boundary, the
8002 square footage or acreage shall be calculated separately for each zoning classification.
8003 The square footage or acreage within each zoning classification shall be determined by
8004 the King County record of the action that established the zoning and property lines, such
8005 as an approved lot line adjustment. When such records are not available or are not
8006 adequate to determine the square footage or acreage within each zoning classification,
8007 TDR program staff shall calculate, and the department of local services, permitting
8008 division, shall ~~(calculate)~~ confirm, the square footage or acreage through the geographic
8009 information system (GIS) mapping system.

Commented [JC395]: To reflect current practice.

8010 ~~(D.)~~ E. For the purposes of the ~~((transfer of development rights - ()))~~ TDR ~~((+))~~
8011 program only, the following TDR sending site base densities apply:

Commented [JC396]: Clean-up; "TDR" is a defined term in K.C.C. 21A.06.1273

8012 1. Sending sites designated in the King County Comprehensive Plan as urban
8013 separator and zoned R-1 shall have a base density of four dwelling units per acre;

8014 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two
8015 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25
8016 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25
8017 acres;

8018 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
8019 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and

8020 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated
8021 one additional TDR for each vacant lot that is smaller than two and one-half acres or five
8022 acres, respectively;

8023 4. Sending sites zoned RA and that have a designation under the King County
8024 Shoreline Master Program of conservancy or natural shall be allocated one additional
8025 TDR;

8026 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling
8027 unit per five acres for transfer purposes only;

8028 6. Sending sites zoned F within the forest production district shall have a base
8029 density of one dwelling unit per ~~((eighty))~~ twenty acres or one dwelling unit per each lot
8030 that is between fifteen and ~~((eighty))~~ twenty acres in size; ~~((or))~~

8031 7. Vacant marine shoreline sending sites without any armoring or bulkhead shall
8032 be allocated one additional TDR, and

8033 8. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.
8034 21A.37.020.A.2.g. shall be allocated TDRs that are equivalent to the zoning base density
8035 established in K.C.C. 21A.12.030 for every one acre of gross land area.

8036 ~~((E-))~~ F. A sending site zoned RA, A or F may send one development right for
8037 every legal lot larger than five thousand square feet that was created on or before
8038 September 17, 2001, if that number is greater than the number of development rights
8039 determined under subsection A. of this section. A sending site zoned R-1 may send one
8040 development right for every legal lot larger than two thousand five hundred square feet
8041 that was created on or before September 17, 2001, if that number is greater than the
8042 number of development rights determined under subsection A. of this section.

Commented [JC397]: Encourages the preservation of forestland through TDR by allocating more TDRs per acre of conservation. Increasing the allocation of TDRs from Forest zone properties in response to current pressures on forestland would promote healthy habitat, climate resilience, and carbon sequestration. The proposal supports the conservation of Forest zone properties by further incentivizing conservation through TDR. TDR ratios were established in the late 1990s, and since that time we have seen advancements in our understanding of the value of intact forests and we have seen growing development pressure on privately-owned forests. King County currently incentivizes protection of Agricultural zone lands by allocating one TDR per 5 acres in the A-35 zone.

Commented [JC398]: Incentivizes the protection of shoreline that is in a more natural state. Unprotected marine shoreline have benefits for salmonids and in turn endangered orcas.

Commented [JC399]: Was previously an "or". Changed to "and" to reflect existing practice that, for some sending sites, multiple items in this list would apply.

8043 ~~((F-))~~ G. The number of development rights that a King County unincorporated
8044 rural or natural resources land sending site is eligible to send to a King County
8045 incorporated urban area receiving site shall be determined through the application of a
8046 conversion ratio established by King County and the incorporated municipal jurisdiction.
8047 The conversion ratio will be applied to the number of available sending site development
8048 rights determined under subsection A. or ~~((F-))~~ F. of this section.

8049 ~~((G-))~~ H. Development rights from one sending site may be allocated to more
8050 than one receiving site and one receiving site may accept development rights from more
8051 than one sending site.

8052 ~~((H-))~~ I. The determination of the number of residential development rights a
8053 sending site has available for transfer to a receiving site shall be valid for transfer
8054 purposes only, shall be documented in a TDR qualification report prepared by the
8055 department of natural resources and parks and sent to the applicant. The qualification
8056 report ~~((and))~~ shall be considered a final determination, not to be revised due to changes
8057 to the sending site's zoning, and shall be valid unless conditions on the sending site
8058 property that would affect the number of development rights the sending site has
8059 available for transfer have changed.

8060 ~~((I-))~~ J. Each residential transferable development right that originates from a
8061 sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two
8062 additional units above base density in eligible receiving sites located in unincorporated
8063 urban King County. Each residential transferable development right that originates from
8064 a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to
8065 one additional unit above base density. Each residential transferable development right

Commented [JC400]: Clean up

8066 that originates from a sending site in urban unincorporated area lands meeting the criteria
8067 in K.C.C. 21A.37.020.A.2.g. shall be designated "Urban" and is equivalent to one
8068 additional unit above the base density.

8069 SECTION X. Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050 are
8070 hereby amended to read as follows:

8071 A. Following the transfer of residential development rights a sending site may
8072 subsequently accommodate remaining residential dwelling units, if any, on the buildable
8073 portion of the parcel or parcels or be subdivided, consistent with the zoned base density
8074 provisions of the density and dimensions tables in K.C.C. 21A.12.030 and 21A.12.040, the
8075 allowable dwelling unit calculations in K.C.C. 21A.12.070 and other King County
8076 development regulations. Any remaining residential dwelling units and associated
8077 accessory units shall be located in a single and contiguous reserved residential area that shall
8078 be adjacent to any existing development or roadways on the property. The reserved
8079 residential area shall ~~((be equal to))~~ not exceed the acreage associated with the minimum lot
8080 size of the zone for each remaining residential dwelling unit. For sending sites zoned RA,
8081 the subdivision potential remaining after a density transfer may only be actualized through a
8082 clustered subdivision, short subdivision or binding site plan that creates a permanent
8083 preservation tract as large or larger than the portion of the subdivision set aside as lots.
8084 Within rural forest focus areas, resource use tracts shall be at least fifteen acres of
8085 contiguous forest land.

8086 B. Only those nonresidential uses directly related to, and supportive of the criteria
8087 under which the site qualified are allowed on a sending site.

Commented [JC401]: Scope III.C.3

To allow the reserved residential areas to be sized for maximizing conservation benefit.

8088 C. The applicable limitations in this section shall be included in the sending site
8089 conservation easement or other similar encumbrance.

Commented [JC402]: Scope III.C.3
For consistency with other existing references and new changes elsewhere in this ordinance.

8090 SECTION X. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060
8091 are hereby amended to read as follows:

8092 A. Prior to issuing a certificate for transferable development rights to a sending
8093 site, the department of natural resources and parks, or its successor shall record deed
8094 restrictions in the form of a conservation easement or similar notice on title of the
8095 sending site that permanently runs with the land documenting the development rights that
8096 have been removed from the property (~~and shall place a notice on the title of the sending~~
8097 ~~site~~). The department of local services, permitting division, or its successor, shall
8098 establish and maintain an internal tracking system that identifies all certified transfer of
8099 developments rights sending sites.

Commented [JC403]: Scope III.C.3
Edits throughout to reflect current practice that a conservation easement isn't used in all instances

8100 B. A conservation easement or deed restriction granted to the county or other
8101 appropriate land management agency and that meets the requirements of K.C.C.
8102 21A.37.050 shall be required for land contained in the sending site. The conservation
8103 easement or deed restriction shall be documented by a map. The conservation easement
8104 or deed restriction shall be placed on the entire lot or lots. The conservation easement or
8105 deed restriction shall identify limitations in perpetuity on future residential and
8106 nonresidential development consistent with this chapter, as follows:

8107 1. A conservation easement or deed restriction, which contains the easement
8108 map, shall be recorded on the entire sending site to indicate development limitations on
8109 the sending site;

8110 2. For a sending site zoned A-10 or A-35, the conservation easement or deed
8111 restriction shall be consistent in form and substance with the purchase agreements used in
8112 the agricultural land development rights purchase program. The conservation easement
8113 or deed restriction shall preclude subdivision of the subject property but may permit not
8114 more than one dwelling per sending site, and shall permit agricultural uses as provided in
8115 the A-10 or A-35 zone;

8116 3. For a rural sending site, the conservation easement or deed restriction shall
8117 allow for restoration, maintenance or enhancement of native vegetation. A present
8118 conditions report shall be required to document the location of existing structures and
8119 existing native vegetation and the baseline conservation values of protected property at
8120 the time the conservation easement or deed restriction is put in place. If residential
8121 development will be allowed on the site under the conservation easement or deed
8122 restriction, the present conditions report shall be used to guide the location of residential
8123 development;

8124 4. For a sending site qualifying as habitat for federal listed endangered or
8125 threatened species, the conservation easement or deed restriction shall protect habitat and
8126 allow for restoration, maintenance or enhancement of native vegetation. A present
8127 conditions report shall be required to document the location of existing structures. If
8128 existing or future residential development will be allowed on the site under the
8129 conservation easement or deed restriction, the present conditions report shall be used by
8130 the owner to guide the location of residential development; and

8131 5. For a sending site zoned F, the conservation easement or deed restriction shall
8132 encumber the entire sending site. Lots between fifteen acres and ~~((eighty))~~ twenty acres

Commented [JC404]: Encourages the preservation of forestland through Transfer of Development Rights (TDRs) by allocating more TDRs per acre of conservation. Increasing the allocation of TDRs from Forest zone properties in response to current pressures on forestland would promote healthy habitat, climate resilience, and carbon sequestration. The proposal supports the conservation of Forest zone properties by further incentivizing conservation through TDR. TDR ratios were established in the late 1990s, and since that time we have seen advancements in our understanding of the value of intact forests and we have seen growing development pressure on privately-owned forests. King County currently incentivizes protection of Agricultural zone lands by allocating one TDR per 5 acres in the A-35 zone.

8133 in size are not eligible to participate in the TDR program if they include any existing
8134 dwelling units intended to be retained, or if a new dwelling unit is proposed. For eligible
8135 lots between fifteen acres and ~~((eighty))~~ twenty acres in size, the sending site must
8136 include the entire lot. For lots greater than ~~((eighty))~~ twenty acres in size, the sending site
8137 shall be a minimum of eighty acres. The conservation easement or deed restriction shall
8138 permit forestry uses subject to a forest stewardship plan prepared by the applicant and
8139 approved by the county for ongoing forest management practices. The Forest
8140 Stewardship Plan shall serve as a present conditions report documenting the baseline
8141 conditions of the property and shall include a description of the site’s forest resources and
8142 the long term forest management objectives of the property owner, and shall not impose
8143 standards that exceed Title 222 WAC.

8144 SECTION X. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080
8145 are hereby amended to read as follows:

8146 A. TDR development rights where both the proposed sending and receiving sites
8147 would be within unincorporated King County shall be transferred using the following
8148 process:

8149 1. Following interagency review committee review and approval of the sending
8150 site application as described in K.C.C. 21A.37.070 the interagency review committee
8151 shall issue a TDR qualification report, agreeing to issue a TDR certificate in exchange for
8152 the proposed sending site conservation easement or other similar encumbrance. After
8153 signing and notarizing the conservation easement or other similar encumbrance and
8154 receiving the TDR certificate from the county, the sending site owner may market the
8155 TDR sending site development rights to potential purchasers. The TDR certificate shall

Commented [JC405]: Scope III.C.3
Edits throughout for consistency with other existing references and
new changes elsewhere in this ordinance.

8156 be in the name of the property owner and separate from the land title. If a TDR sending
8157 site that has been reviewed and approved by the interagency review committee changes
8158 ownership, the TDR qualification report may be transferred to the new owner if requested
8159 in writing to the department of natural resources and parks by the person or persons that
8160 owned the property when the TDR qualification report was issued, if documents
8161 evidencing the transfer of ownership are also provided to the department of natural
8162 resources and parks;

8163 2. In applying for receiving site approval, the applicant shall provide the
8164 department of local services, permitting division, with one of the following:

- 8165 a. a TDR qualification report issued in the name of the applicant,
- 8166 b. a TDR qualification report issued in the name of another person or persons
- 8167 and a copy of a signed option to purchase those TDR sending site development rights,
- 8168 c. a TDR certificate issued in the name of the applicant, or
- 8169 d. a TDR certificate issued in the name of another person or persons and a
- 8170 copy of a signed option to purchase those TDR sending site development rights;

8171 3. Following building permit approval, but before building permit issuance by
8172 the department of local services, permitting division, or following preliminary plat
8173 approval or preliminary short plat approval, but before final plat or short plat recording of
8174 a receiving site development proposal which includes the use of TDR development
8175 rights, the receiving site applicant shall deliver the TDR certificate issued in the
8176 applicant's name for the number of TDR development rights being used and the TDR
8177 extinguishment document to the county;

8178 4. When the receiving site development proposal requires a public hearing
8179 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as
8180 the hearing on the TDR proposal. The reviewing authority shall make a consolidated
8181 decision on the proposed development and use of TDR development rights and consider
8182 any appeals of the TDR proposal under the same appeal procedures set forth for the
8183 development proposal; and

8184 5. When the development proposal does not require a public hearing under this
8185 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the
8186 development proposal, and any appeals of the TDR proposal shall be considered under
8187 the same appeal procedures set forth for the development proposal.

8188 6. Development rights from a sending site shall be considered transferred to a
8189 receiving site when a final decision is made on the TDR receiving area development
8190 proposal, the sending site is permanently protected by a completed and recorded (~~land~~
8191 ~~dedication or~~) conservation easement or other similar encumbrance, notification has
8192 been provided to the King County assessor's office and a TDR extinguishment document
8193 has been provided to the department of natural resources and parks, or its successor.

8194 B. TDR development rights where the proposed receiving site would be within an
8195 incorporated King County municipal jurisdiction shall be reviewed and transferred using
8196 that jurisdiction's development application review process.

8197 SECTION X. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100 are
8198 hereby amended to read as follows:

8199 The purpose of the TDR bank is to assist in the implementation of the ~~((transfer of~~
8200 ~~development rights to))TDR((s)) program by bridging the time gap between willing sellers~~

Commented [JC406]: Clean-up; "TDR" is a defined term in K.C.C. 21A.06.1273

8201 and buyers of development rights by purchasing and selling development rights,
8202 purchasing conservation easements or other similar encumbrances, and facilitating
8203 interlocal TDR agreements with cities in King County through the provision of amenity
8204 funds. The TDR bank may acquire development rights and conservation easements or
8205 other similar encumbrances only from sending sites located in the rural area or in an
8206 agricultural or forest land use designation in the King County Comprehensive Plan, in an
8207 urban separator land use designation in the King County Comprehensive Plan or in the
8208 urban unincorporated area only from sites meeting the criteria in K.C.C.
8209 21A.37.020.A.2.g. Except for development rights purchased for use in affordable
8210 housing developments in accordance with K.C.C. 21A.37.130, ((D)) development rights
8211 purchased from the TDR bank may only be used for receiving sites in cities, in
8212 Snoqualmie Pass Rural Town as provided in this Title, or in the urban unincorporated
8213 area as designated in the King County Comprehensive Plan.

8214 SECTION X. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110
8215 are hereby amended to read as follows:

8216 A. The TDR bank may purchase development rights from qualified sending sites
8217 at prices not to exceed fair market value and to sell development rights at prices not less
8218 than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may
8219 accept donations of development rights from qualified TDR sending sites.

8220 B. The TDR bank may purchase a conservation easement or other similar
8221 encumbrance only if the property subject to the conservation easement or other similar
8222 encumbrance is qualified as a sending site as evidenced by a TDR qualification report,
8223 the conservation easement or other similar encumbrance restricts development of the

Commented [JC407]: Scope III.C.3
Edits throughout for consistency with other existing references and
new changes elsewhere in this ordinance.

Commented [JC408]: to reflect existing allowance.

Commented [JC409]: To reflect existing intent

Commented [JC410]: to reflect proposed change in K.C.C.
Chapter 21A.08 to allow use of Transfer of Development Rights to
develop a duplex on a lot that could otherwise build a single-
detached home and a detached accessory dwelling unit.

Commented [JC411]: Scope III.C.3
Edits throughout for consistency with other existing references and
new changes elsewhere in this ordinance

8224 sending site in the manner required by K.C.C. 21A.37.060 and the development rights
8225 generated by encumbering the sending site with the conservation easement or other
8226 similar encumbrance are issued to the TDR bank at no additional cost.

8227 C. Any development rights, generated by encumbering property with a
8228 conservation easement or other similar encumbrance, may be issued to the TDR bank if:

8229 1.a. The conservation easement or other similar encumbrance is acquired
8230 through a county park, open space, trail, agricultural, forestry or other natural resource
8231 acquisition program for a property that is qualified as a TDR sending site as evidenced by
8232 a TDR qualification report; or

8233 b. the property is acquired by the county with the intent of conveying the
8234 property encumbered by a reserved conservation easement or other similar encumbrance.

8235 The number of development rights generated by this reserved conservation easement or
8236 other similar encumbrance shall be determined by the TDR qualification report; and

8237 2. Under either subsection C.1.a. or b. of this section, there will be no additional
8238 cost to the county for acquiring the development rights.

8239 D. The TDR bank may use funds to facilitate development rights transfers.
8240 These expenditures may include, but are not limited to, establishing and maintaining
8241 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
8242 and reimbursing the costs incurred by the department of natural resources and parks,
8243 water and land resources division, or its successor, for administering the TDR bank fund
8244 and executing development rights purchases and sales.

8245 E. The TDR bank fund may be used to cover the cost of providing staff support
8246 for identifying and qualifying sending and receiving sites, and the costs of providing staff
8247 support for the TDR interagency review committee.

8248 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
8249 bank development rights shall be available for acquisition of additional development
8250 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King
8251 County and for projects in receiving areas located in urban unincorporated King County.
8252 Amenity funds provided to a city from the sale of TDR bank development rights to that
8253 city are limited to one-third of the proceeds from the sale.

8254 SECTION X. Ordinance 13733, Section 11, as amended, and K.C.C. 21A.37.120
8255 are hereby amended to read as follows:

8256 A. The department of natural resources and parks, water and land resources
8257 division, or its successor, shall administer the TDR bank fund and execute purchases of
8258 development rights and conservation easements or other similar encumbrances and sales
8259 of development rights in a timely manner consistent with policy set by the TDR executive
8260 board. These responsibilities include, but are not limited to:

- 8261 1. Managing the TDR bank fund;
- 8262 2. Authorizing and monitoring expenditures;
- 8263 3. Keeping records of the dates, amounts and locations of development rights
8264 purchases and sales, and conservation easement purchases or other similar encumbrances;
- 8265 4. Executing development rights purchases, sales and conservation easements or
8266 other similar encumbrances; and

Commented [JC412]: Scope III.C.3
Edits throughout for consistency with other existing references and
new changes elsewhere in this ordinance

8267 5. Providing periodic summary reports of TDR bank activity for TDR executive
8268 board consideration.

8269 B. The department of natural resources and parks, water and land resources
8270 division, or its successor, in executing purchase and sale agreements for acquisition of
8271 development rights and conservation easements or other similar encumbrances shall
8272 ensure sufficient values are being obtained and that all transactions, conservation
8273 easements or (~~fee simple acquisitions~~) other similar encumbrances are consistent with
8274 public land acquisition guidelines.

8275 SECTION X. Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130
8276 are hereby amended to read as follows:

8277 A.1. The sale of development rights by the TDR bank shall be at a price that
8278 equals or exceeds the fair market value of the development rights, except as provided in
8279 subsection A.2. of this section. The fair market value of the development rights shall be
8280 established by the department of natural resources and parks and shall be based on the
8281 amount the county paid for the development rights and the prevailing market conditions.

8282 2.a. The department of natural resources and parks shall undertake a "TDR for
8283 affordable housing" pilot program, in which transferrable development rights necessary
8284 to construct up to one hundred total units shall be sold at the administrative cost incurred
8285 by the county or fifteen percent of the fair market value of the development rights,
8286 whichever is less.

8287 b. In order to qualify for this program, all units built using the development
8288 rights must be either:

8289 (1) rental housing permanently priced to serve households with a total

Commented [JC413]: correction

8290 household income at or below sixty percent of AMI. A covenant on the property that
8291 specifies the income level being served, rent levels and requirements for reporting to
8292 King County shall be recorded at final approval; or

8293 (2) housing reserved for income- and asset-qualified home buyers with total
8294 household income at or below sixty percent of AMI. The units shall be limited to owner-
8295 occupied housing with prices restricted based on typical underwriting ratios and other
8296 lending standards, and with no restriction placed on resale. Final approval conditions
8297 shall specify requirements for reporting to King County on both buyer eligibility and
8298 housing prices.

8299 c.(1) In areas where the inclusionary housing regulations adopted in K.C.C.
8300 chapter 21A.48 apply, development rights to build units through this pilot program shall
8301 only be sold for units in accordance with K.C.C. 21A.48.020 or K.C.C. 21.48.030.

8302 (2) For all other areas in unincorporated King County, in the R-4 through R-
8303 48 zones, development rights to build units through this pilot program shall only be sold
8304 for units between one hundred fifty percent and two hundred percent of the receiving
8305 site's base density as set forth in K.C.C. 21A.12.030.

8306 d.(1) The department of natural resources and parks shall track the sale of
8307 development rights and completion of units constructed through this program. When the
8308 one hundred unit threshold is reached, the department shall, within six months of that
8309 date, transmit a report to the council that includes, but is not limited to:

8310 (a) the location of the receiving sites where development rights under this
8311 pilot program were used;

8312 (b) lessons learned from the pilot program, including feedback from

8313 developers who purchased development rights through the program; and
8314 (c) a recommendation on whether to make the pilot program permanent,
8315 repeal the program or modify the program.

8316 (2) the report shall be accompanied by a proposed ordinance effectuating the
8317 recommendation in subsection A.2.d.(1)(c) of this section.

8318 (3) the report and proposed ordinance shall be filed in the form of a paper
8319 original and an electronic copy with the clerk of the council, who shall retain the original
8320 and provide an electronic copy to all councilmembers, the council chief of staff and the
8321 lead staff to the mobility and environment committee or its successor.

8322 B. When selling development rights, the TDR bank may select prospective
8323 purchasers based on the price offered for the development rights, the number of
8324 development rights offered to be purchased and the potential for the sale to achieve the
8325 purposes of the TDR program.

8326 C. The TDR bank may sell development rights only in whole or half increments
8327 to ~~unincorporated and incorporated receiving sites through an interlocal agreement or,~~
8328 after the county enacts legislation that complies with chapter 365-198 WAC, to
8329 incorporated receiving sites in a city that has enacted legislation that complies with
8330 chapter 365-198 WAC. ~~((The TDR bank may sell development rights only in whole
8331 increments to unincorporated King County receiving sites.))~~

8332 D. All offers to purchase development rights from the TDR bank shall be in
8333 writing, shall include a certification that the development rights, if used, shall be used
8334 only inside an identified city or within the urban unincorporated area, ~~((include a
8335 minimum ten percent down payment with purchase option.))~~ shall include the number of

Commented [JC414]: moved from below

Commented [JC415]: Scope III.C.3

To address situations where we need to sell a half of a rural Transfer of Development Right (TDR) to add an increment of one unit to a project. Striking has no detrimental effect, aside from Bank being stuck w/ a 0.5 rural TDR, which can only be used in this way...

Commented [JC416]: to reflect current practice

8336 development rights to be purchased, location of the receiving site, proposed purchase
8337 price and the required date or dates for completion of the sale, not later than three years
8338 after the date of receipt by King County of the purchase offer.

8339 E. Payment for purchase of development rights from the TDR bank shall be in
8340 full at the time the development rights are transferred unless otherwise authorized by the
8341 department of natural resources and parks.

8342 SECTION X. Ordinance 13733, Section 13, as amended, and K.C.C. 21A.37.140
8343 are hereby amended to read as follows:

8344 A. For development rights sold by the TDR bank to be used in incorporated
8345 receiving site areas, the county and the affected city or cities must either have executed
8346 an interlocal agreement and the city or cities must have enacted appropriate legislation to
8347 implement the program for the receiving area or the county and the affected city or cities
8348 must each have enacted legislation that complies with chapter 365-198 WAC.

8349 B.1. At a minimum, each interlocal agreement shall:

- 8350 a. ~~((shall))~~ describe the legislation that the receiving jurisdiction adopted or
8351 will adopt to allow the use of development rights;
- 8352 b. ~~((shall))~~ identify the receiving area;
- 8353 c. ~~((shall))~~ require the execution of a TDR extinguishment document in
8354 conformance with K.C.C. 21A.37.080; and
- 8355 d. ~~((shall))~~ address the conversion ratio to be used in the receiving site area.

8356 2. If the city is to receive any amenity funds, the interlocal agreement shall set
8357 forth the amount of funding and the amenities to be provided in accordance with K.C.C.
8358 21A.37.150 I. Such an interlocal agreement may also indicate that a priority should be

Commented [JC417]: Technical change to reflect existing intent. This "shall" makes the ones below unnecessary.

8359 given by the county to acquiring development rights from sending sites in specified
8360 geographic areas. If a city has a particular interest in the preservation of land in a rural or
8361 resource area or in the specific conditions on which it will be preserved, then the
8362 interlocal agreement may provide for periodic inspection or special terms in the
8363 conservation easement or other similar encumbrance to be recorded against the sending
8364 site as a pre((-)acquisition condition to purchases of development rights within specified
8365 areas by the TDR bank.

Commented [JC418]: Scope III.C.3
Edits throughout for consistency with other existing references and
new changes elsewhere in this ordinance

8366 C. A TDR conversion ratio for development rights purchased from a sending site
8367 and transferred to an incorporated receiving site area may express the amount of
8368 additional development rights in terms of any combination of units, floor area, height or
8369 other applicable development standards that may be modified by the city to provide
8370 incentives for the purchase of development rights.

8371 NEW SECTION. SECTION x. There is hereby added to K.C.C. chapter 2.16 a
8372 new section to read as follows:

8373 A. The TDR bank may establish in-lieu fee TDRs by collecting a fee-in-lieu of
8374 selling TDRs from the TDR bank when TDR inventory is unavailable.

Commented [JC419]: Allows for payment to King County
Transfer of Development Rights (TDRs) Bank in-lieu of TDR
purchase when sufficient TDR inventory is not available. Fee-in-lieu
TDRs would allow the TDR Bank to bridge gaps when inventory is
low and eliminate the risk of turning away developers with desires to
build more homes, particularly as the inclusionary housing program
(with associated TDR elements) is proposed to be expanded to other
geographies as part of the 2024 update.

8375 1. TDR executive board shall determine when in-lieu fee TDRs may be made
8376 available by considering the following:

- 8377 a. Inventory of TDR bank and privately-owned TDRs;
8378 b. Type of TDR needed by receiving site;
8379 c. Price of available privately-owned TDRs; and
8380 d. Opportunities to obtain new TDRs from eligible sending sites.

8381 2. The TDR bank shall sell in-lieu fee TDRs in accordance with K.C.C.
8382 21A.37.130 and 21A.37.140.

8383 B. The TDR Bank shall establish and maintain an internal tracking system that
8384 identifies all funds collected through the sale of in-lieu fee TDRs, the quantity of in-lieu
8385 fee TDRs purchased through the TDR bank, and all TDRs purchased using funds
8386 collected from the sale of in-lieu fee TDRs.

8387 C. The TDR bank shall use funds collected from the sale of in-lieu fee TDRs to
8388 purchase development rights from qualified sending sites in a type and amount that is
8389 appropriate for the development use and in accordance with K.C.C. 21A.37.110.

8390 SECTION X. Ordinance 10870, Section 579, as amended, and K.C.C.
8391 21A.38.030 are hereby amended to read as follows:

8392 A. Property-specific development standards, denoted by the zoning map symbol -P
8393 after the zone's map symbol or a notation in the geographic information system data layers,
8394 shall be established on individual properties through either reclassifications or area zoning.
8395 All property-specific development standards are contained in Appendix of Ordinance 12824
8396 as currently in effect or hereinafter amended and shall be maintained by the department of
8397 local services, permitting division, in the Property Specific Development Conditions
8398 notebook. Upon the effective date of reclassification of a property to a zone with a "-P"
8399 suffix, the property-specific development standards adopted thereby shall apply to any
8400 development proposal on the subject property subject to county review, including, but not
8401 limited to, a building permit, grading permit, subdivision, short subdivision, subsequent
8402 reclassification to a potential zone, ~~((urban planned development,))~~ conditional use permit,
8403 variance and special use permit.

Commented [JC420]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

8404 B. Property-specific development standards shall address problems unique to
8405 individual properties or a limited number of neighboring properties that are not addressed or
8406 anticipated by general minimum requirements of this title or other regulations.

8407 C. Property-specific development standards shall cite the provisions of this title, if
8408 any, that are to be augmented, limited, or increased, shall be supported by documentation
8409 that addresses the need for such a condition or conditions, and shall include street addresses,
8410 tax lot numbers or other clear means of identifying the properties subject to the additional
8411 standards. Property-specific development standards are limited to:

- 8412 1. Limiting the range of permitted land uses;
- 8413 2. Requiring special development standards for property with physical constraints
8414 (e.g. environmental hazards, view corridors);
- 8415 3. Requiring specific site design features (e.g. building orientation, lot layout,
8416 clustering, trails or access location);
- 8417 4. Specifying the phasing of the development of a site;
- 8418 5. Requiring public facility site dedications or improvements (e.g. roads, utilities,
8419 parks, open space, trails, school sites); or
- 8420 6. Designating sending and receiving sites for transferring density credits as
8421 provided in K.C.C. chapter 21A.~~((36))~~37.

8422 D. Property-specific development standards shall not be used to expand permitted
8423 uses or reduce minimum requirements of this title.

8424 SECTION X. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260
8425 are hereby amended to read as follows:

Commented [JC421]: Correction

8426 A. The purpose of the Fall City business district special district overlay is to
8427 allow commercial development in Fall City ~~((to occur with on-site septic systems until~~
8428 ~~such time as an alternative wastewater system is available))~~ that is consistent with the
8429 design and operation of the district's large on-site sewage system and that is compatible
8430 with rural character. The special district shall only be established in areas of Fall City
8431 zoned CB ~~((and shall be evaluated to determine if it is applicable to other rural~~
8432 ~~commercial centers))~~.

Commented [JC422]: to reflect the current status of the alternative wastewater system

Commented [JC423]: clarifying edit to reflect existing intent

Commented [JC424]: not applicable; these standards are specific to Fall City.

8433 B. The standards of this title and other county codes shall be applicable to
8434 development within the Fall City business district special district overlay except as
8435 follows:

Commented [JC425]: Updated terminology throughout to reflect consistent use names in the use tables

8436 1. The permitted uses in K.C.C. ~~((C))~~chapter 21A.08 do not apply and are
8437 replaced with the following:

8438 a. Residential land uses ~~((as set forth in K.C.C. 21A.08.030))~~:

Commented [JC426]: Clarifying edit to reflect existing intent. Removed as above it states that K.C.C. Chapter 21A.08 does not apply.

8439 i. As a permitted use:

8440 (A) ~~((Multifamily residential units shall only be allowed))~~ Apartment when
8441 part of a mixed-use development with residential units on the upper floors of a
8442 building~~((s))~~; and

Commented [JC427]: clarifying edit to reflect existing intent and to reflect updated terminology proposed in this ordinance

8443 (B) Home occupations under K.C.C. chapter 21A.30;

8444 ii. As a conditional use:

8445 (A) Bed and Breakfast Guesthouse (five rooms maximum); and

8446 (B) SIC Industry 7011 (Hotel/Motel).

8447 b. Recreational/cultural land uses ~~((as set forth in K.C.C. 21A.08.040))~~:

Commented [JC428]: Clarifying edit to reflect existing intent. Removed as above it states that K.C.C. Chapter 21A.08 does not apply.

8448 i. As a permitted use:

- 8449 (A) SIC Industry Group 823 (Library);
- 8450 (B) SIC Industry Group 841 (Museum);
- 8451 (C) SIC Industry Group 842 (Arboretum); ~~((and))~~
- 8452 (D) Park; and
- 8453 (E) Theater.
- 8454 ii. As a conditional use:
- 8455 (A) Sports Club(~~(Fitness Center)~~), subject to 21A.08.040.B.17;
- 8456 (B) SIC Industry 7999 (Amusement(~~(/)~~) Recreation Services(~~(/Arcades~~
- 8457 ~~(Indoor))~~), indoor only and subject to K.C.C. 21A.08.040.B.14;
- 8458 (C) SIC Industry Group 793 (Bowling Center);
- 8459 c. General services land uses ~~((as set forth in K.C.C. 21A.08.050))~~;
- 8460 i. As a permitted use:
- 8461 (A) SIC Major Group 72 (General Personal Services, except escort
- 8462 services);
- 8463 (B) SIC Industry Group 7261 (Funeral Home/Crematory);
- 8464 (C) ~~((Appliance/Equipment))~~ SIC Major Group 76 Miscellaneous Repair;
- 8465 (D) ~~((Medical or Dental))~~ SIC Industry Groups 801-04 (Office/Outpatient
- 8466 Clinic);
- 8467 (E) SIC Industry Group 807 (Medical or Dental Lab);
- 8468 (F) Day Care I;
- 8469 (G) Day Care II;
- 8470 (H) SIC Industry Group 074 (Veterinary Clinic), subject to K.C.C.
- 8471 21A.08.050.B.10;

Commented [JC429]: Clarifying edit to reflect existing intent. Removed as above it states that K.C.C. Chapter 21A.08 does not apply.

- 8472 (I) SIC Major Group 83 (Social Services), subject to K.C.C.
- 8473 21A.08.050.B.2;
- 8474 (J) SIC Industry 0752 (Animal Specialty Services);
- 8475 (K) Artist Studios;
- 8476 (L) SIC Industry Group 805 (Nursing and Personal Care Facilities);
- 8477 ii. As a conditional use:
- 8478 (A) ~~((Theater (Movie or Live Performance)~~;
- 8479 ~~(B) Religious Use))~~ SIC Industry Group 866 (Church, Synagogue, Temple);
- 8480 d. Government/Business services land uses ~~((as set forth in K.C.C.~~
- 8481 21A.08.060));
- 8482 i. As a permitted use:
- 8483 (A) General Business Service;
- 8484 (B) Professional Office(~~(-Bank, Credit Union,))~~ (SIC Major Group 64
- 8485 (Insurance Office) only);
- 8486 (C) Private storm water management facilities, subject to K.C.C.
- 8487 21A.08.060.B.8).
- 8488 ii. As a conditional use:
- 8489 (A) Public Agency or Utility Office;
- 8490 (B) SIC Industry 9221 (Police ((Substation)) Facility);
- 8491 (C) SIC Industry 9224 (Fire ((Station)) Facility);
- 8492 (D) Utility Facility;
- 8493 (E) Self(-)-Service Storage;
- 8494 e. Retail~~((commercial))~~ land uses ~~((as set forth in K.C.C. 21A.08.070))~~;

Commented [JC430]: Moved to Recreational and Cultural land uses below to be consistent with the structure of the use tables.

Commented [JC431]: Clarifying edit to reflect existing intent. Removed as above it states that K.C.C. Chapter 21A.08 does not apply.

Commented [JC432]: Clarifying edit to reflect existing intent. These are part of the definition of General Business Service above.

Commented [JC433]: Clarifying edit to reflect existing intent. Matches uses in definition of Professional Office.

Commented [JC434]: Clarifying edit to reflect existing intent. Moved up from below to match structure of the use tables

Commented [JC435]: Clarifying edit to reflect existing intent to reflect correct name of use table.

Commented [JC436]: Clarifying edit to reflect existing intent. Removed as above it states that K.C.C. Chapter 21A.08 does not apply.

- 8495 i. As a permitted use on the ground floor:
- 8496 (A) SIC Major Group 54 (Food Stores);
- 8497 (B) Drug Stores~~((Pharmacy))~~;
- 8498 (C) Retail Store: includes florist shops~~((;))~~; book, stationary, video and art
8499 supply stores~~((;))~~; SIC Major Group (apparel and ((accessories)) accessory stores~~((;))~~;
8500 furniture~~((;))~~ and home furnishings stores~~((;))~~; SIC Industry Group 593 (used goods:
8501 antiques~~((;))~~~~((reycled goods store))~~ secondhand shops~~((;))~~; sporting goods and related
8502 stores, subject to 21A.08.070.B.29~~((;))~~; ~~((video store, art supply store,))~~ hobby ~~((store))~~;
8503 toy, game shops~~((;))~~; jewelry store, ((toy store, game store, photo store,
8504 electronic/appliance store,)) photographic and electronic shops; fabric shops~~((;))~~; pet
8505 shops~~((;))~~ ~~and other retail stores (excluding adult only retail))~~);
- 8506 (D) SIC Major Group 58 (Eating and Drinking Places~~((;))~~ ~~including coffee~~
8507 shops and bakeries~~((;))~~); and
- 8508 (E) Remote tasting rooms, subject to K.C.C. 21A.08.070.B.7.
- 8509 ii. As a conditional use:
- 8510 (A) SIC Industry Group 592 (Liquor Store) or any ~~((R))~~ retail ~~((S))~~ store
8511 otherwise allowed as a permitted use in this section and that ~~((Selling))~~ sells ~~((A))~~ alcohol;
- 8512 (B) ~~((Hardware/Building Supply))~~ Building Materials and Hardware Stores;
- 8513 (C) Retail Nursery~~((;))~~ Garden Center and Farm Supply Stores;
- 8514 (D) Department and Variety Stores;
- 8515 ~~((E))~~ Auto Dealers (indoor sales rooms only);
- 8516 ~~F. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.~~
- 8517 ~~g. Resource land uses as set forth in K.C.C. 21A.08.090.~~

Commented [JC437]: Clarifying edit to reflect existing intent to reflect correct names in the use tables. No substantive changes.

Commented [JC438]: removed "other retail stores" as this needs to be consistent with terms in the Title or the uses need to be added as new definitions or SIC codes. The prohibition on adult only retail will continue, as only the retail uses explicitly listed here are allowed.

Commented [JC439]: not necessary to state; is already included in the SIC group

Commented [JC440]: Not allowed in any CB zone in unincorporated King County. Making an exception in Fall City is not consistent with rural character.

Commented [JC441]: Clarifying edit to reflect existing intent. This is already the case, as only the uses listed in this section are allowed. If no manufacturing land uses are listed, they are already not allowed.

8518 i. ~~As a permitted use:~~

8519 (A) ~~Solar photovoltaic/solar thermal energy systems;~~

8520 (B) ~~Private storm water management facilities;~~

8521 (C) ~~Growing and Harvesting Crops (within rear/internal side yards or roof~~

8522 ~~gardens, and with organic methods only);~~

8523 (D) ~~Raising Livestock and Small Animals (per the requirements of Section~~

8524 ~~21A.30 of the Zoning Code)~~

8525 ii. ~~As a conditional use: Wind Turbines~~

8526 h.) ~~f. Regional land uses ((as set forth in K.C.C. 21A.08.100 with));~~

8527 i. ~~as a special use ((permit)):~~

8528 (A) ~~Communication Facility, subject to 21A.08.100.B.17;~~

8529 ~~g. accessory uses to the uses in this section are allowed when consistent with:~~

8530 i. ~~the definitions in K.C.C. chapter 21A.06;~~

8531 ii. ~~applicable conditions in the use tables in K.C.C chapter 21A.08; and~~

8532 iii. ~~K.C.C. 21A.08.035.~~

8533 2. The densities and dimensions ~~((set forth))~~ in K.C.C. chapter 21A.12 apply,

8534 except as follows:

8535 a. Residential density is limited to six dwelling units per acre. ~~((For any~~

8536 ~~building with more than ten dwelling units, at least ten percent of the dwelling units shall~~

8537 ~~be classified as affordable under 21A.34.040F.1));~~

8538 b. Buildings are limited to two floors, plus an optional basement;

8539 c. The elevation of the ground floor may be elevated a maximum of six feet

8540 above the average grade of the site along the front facade of the building;

Commented [JC442]: Addressed via accessory uses in new sub-g below, which includes consumer-scale renewable energy systems. Anything larger than that would be a "renewable energy generation facility" which is not appropriate for the Fall City business district.

Commented [JC443]: Moved to Government/Business services land uses above to be consistent with the structure of the use tables.

Commented [JC444]: Formal crops are unlikely to happen a rear or side yard or on a roof. A personal garden is more likely, which does not need to be regulated as a formal "use".

Commented [JC445]: Not feasible in or appropriate use of the Fall City business district.

Commented [JC446]: Addressed via accessory uses in new sub-h below, which includes consumer-scale renewable energy systems. Anything larger than that would be a "renewable energy generation facility" which is not appropriate for the Fall City business district.

Commented [JC447]: Clarifying edit to reflect existing intent. Removed as above it states that K.C.C. Chapter 21A.08 does not apply.

Commented [JC448]: Clarifying edit to reflect existing intent. Matches structure of other subsections here.

Commented [JC449]: To reflect that this applies to major communication facilities, and minor communication facilities are regulated under K.C.C. Chapter 21A.27

Commented [JC450]: Because this of allowed uses only applies to what's explicitly stated, this makes it clear that accessory uses are allowed when consistent with other provisions in the code. This was likely intended previously but not correctly reflected.

Commented [JC451]: Clarifying edit to reflect existing intent and to align with legislative drafting guide

Commented [JC452]: This references the Residential Density Incentive (RDI) Program, which Fall City is not currently eligible for as adopted in K.C.C. Chapter 21A.34 because it is not served by public sewer. The RDI Program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing Program in K.C.C. Chapter 21A.48. The Inclusionary Housing would also not apply to Fall City because it is not served by sewer.

8541 d. If the ground floor is designed to accommodate non((-)residential uses, the
8542 elevation of the ground floor should be placed near the elevation of the sidewalk to
8543 minimize the need for stairs and ((ADA)) ramps;

8544 e. If the ground floor is designed to accommodate non((-)residential space, the
8545 height of the ceiling, as measured from finished floor, shall be no more than eighteen
8546 feet;

8547 f. Building height shall not exceed forty feet, as measured from the average
8548 grade of the site along the front facade of the building.

8549 SECTION X. Ordinance 11621, Section 112, as amended, and K.C.C.

8550 21A.43.030 are hereby amended to read as follows:

8551 A. The fee for each district shall be calculated based on the formula set out in
8552 Attachment A to Ordinance 11621.

8553 B. Separate fees shall be calculated for single family and multi-family residential
8554 units and separate student generation rates must be determined by the district for each
8555 type of residential unit. For purposes of this chapter single family units shall mean single
8556 detached dwelling units, and multi-family units shall mean duplexes, triplexes,
8557 fourplexes, townhouses and apartments.

8558 C. The fee shall be calculated on a district-by-district basis using the appropriate
8559 factors and data to be supplied by the district, as indicated in Attachment A to Ordinance
8560 11621. The fee calculations shall be made on a district-wide basis to assure maximum
8561 utilization of all school facilities in the district used currently or within the last two years
8562 for instructional purposes.

Commented [JC453]: Scope II.C.1

Part of middle housing, to reflect new housing types.

8563 D. The formula in Attachment A to Ordinance 11621 also provides a credit for
8564 the anticipated tax contributions that would be made by the development based on
8565 historical levels of voter support for bond issues in the school district.

8566 E. The formula in Attachment A to Ordinance 11621 also provides for a credit
8567 for school facilities or sites actually provided by a developer which the school district
8568 finds to be acceptable.

8569 SECTION X. Ordinance 11621, Section 114, as amended, and K.C.C.
8570 21A.43.050 are hereby amended to read as follows:

8571 A. In school districts where impact fees have been adopted by county ordinance
8572 and except as provided in K.C.C. 21A.43.080, the county shall collect impact fees, based
8573 on the schedules set forth in each ordinance establishing the fee to be collected for the
8574 district, from any applicant seeking development approval from the county where such
8575 development activity requires final plat((~~or~~)) or PUD ((~~or UPD~~)) approval or the issuance
8576 of a residential building permit or a mobile home permit and the fee for the lot or unit has
8577 not been previously paid. No approval shall be granted and no permit shall be issued
8578 until the required school impact fees set forth in the district's impact fee schedule
8579 contained in K.C.C. Title 27 have been paid.

8580 B. For a plat((~~or~~)) or PUD ((~~or UPD~~)) applied for on or after the effective date of
8581 the ordinance adopting the fee for the district in question receiving final approval, fifty
8582 percent of the impact fees due on the plat((~~or~~)) or PUD ((~~or UPD~~)) shall be assessed and
8583 collected from the applicant at the time of final approval, using the impact fee schedules
8584 in effect when the plat((~~or~~)) or PUD ((~~or UPD~~)) was approved. The balance of the
8585 assessed fee shall be allocated to the dwelling units in the project, and shall be collected

Commented [JC454]: To reflect that
•there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
•the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

8586 when the building permits are issued. Residential developments proposed for short plats
8587 shall be governed by subsection D of this section.

8588 C. If on the effective date of an ordinance adopting an impact fee for a district, a
8589 plat~~((;))~~ or PUD ~~((~~UPD~~))~~ has already received preliminary approval, such plat~~((;))~~ or
8590 PUD ~~((~~UPD~~))~~ shall not be required to pay fifty percent of the impact fees at the time of
8591 final approval, but the impact fees shall be assessed and collected from the lot owner at
8592 the time the building permits are issued, using the impact fee schedules in effect at the
8593 time of building permit application. If on the effective date of a district's ordinance, an
8594 applicant has applied for preliminary plat~~((;))~~ or PUD ~~((~~UPD~~))~~ approval, but has not
8595 yet received such approval, the applicant shall follow the procedures set forth in
8596 subsection B of this section.

8597 D. For existing lots or lots not covered by subsection B of this section,
8598 application for single family and multifamily residential building permits, mobile home
8599 permits, and site plan approval for mobile home parks, the total amount of the impact
8600 fees shall be assessed and collected from the applicant when the building permit is issued,
8601 using the impact fee schedules in effect at the time of permit application.

8602 E. Any application for preliminary plat~~((;))~~ or PUD ~~((~~UPD~~))~~ approval or
8603 multifamily zoning which has been approved subject to conditions requiring the payment
8604 of impact fees established pursuant to this chapter, shall be required to pay the fee in
8605 accordance with the condition of approval.

8606 F. In lieu of impact fee payment pursuant to subsections A. through E. of this
8607 section, each applicant for a single-family residential construction permit may request
8608 deferral of impact fee collection for up to the first twenty single-family residential

8609 construction building permits per year. Applicants shall be identified by their contractor
8610 registration number. Deferred payment of impact fees shall occur either at the time of
8611 final permit inspection by the department of local services, permitting division, or
8612 eighteen months after the building permit is issued, whichever is earlier.

8613 SECTION X. Ordinance 11621, Section 116, as amended, and K.C.C.
8614 21A.43.070 are hereby amended to read as follows:

8615 A. The following are excluded from the application of the impact fees:

8616 1. Any form of housing exclusively for ~~((the))~~ seniors ~~((citizen))~~, including
8617 nursing homes and retirement centers, so long as these uses are maintained;

8618 2. Reconstruction, remodeling, or replacement of existing dwelling units which
8619 does not result in additional new dwelling units. In the case of replacement of a dwelling,
8620 a complete application for a building permit must be submitted within three years after it
8621 has been removed or destroyed;

8622 3. Shelters for temporary placement, relocation facilities, transitional housing
8623 facilities and Community Residential Facilities as defined in K.C.C. 21A.06.220;

8624 4. Any development activity that is exempt from the payment of an impact fee
8625 pursuant to RCW 82.02.100, due to mitigation of the same system improvement under
8626 the State Environmental Policy Act;

8627 5. Any development activity for which school impacts have been mitigated
8628 pursuant to a condition of plat~~((or))~~ or PUD ~~((or UPD))~~ approval to pay fees, dedicate land
8629 or construct or improve school facilities, unless the condition of the plat~~((or))~~ or PUD ~~((or~~
8630 ~~UPD))~~ approval provides otherwise; provided that the condition of the plat~~((or))~~ or PUD

Commented [JC455]: Removing references to the term "citizen" from the King County Code consistent with similar changes made with the 2016 Comprehensive Plan

Commented [JC456]: To reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

8631 (~~or UPD~~) approval predates the effective date of a school district's fee implementing
8632 ordinance;

8633 6. Any development activity for which school impacts have been mitigated
8634 pursuant to a voluntary agreement entered into with a school district to pay fees, dedicate
8635 land or construct or improve school facilities, unless the terms of the voluntary agreement
8636 provide otherwise; provided that the agreement predates the effective date of a school
8637 district's fee implementing ordinance;

8638 7. Housing units which fully qualify as housing for persons age 55 and over
8639 meeting the requirements of the Federal Housing Amendments Act of 1988, 42 U.S.C.
8640 3607(b)(2)(c) and (b)(3), as subsequently amended, and which have recorded covenants
8641 or other legal arrangements precluding school-aged children as residents in those units;

8642 8. Mobile homes permitted as temporary dwellings pursuant to K.C.C.
8643 21A.32.170; and

8644 9. Accessory dwelling units as defined in K.C.C. 21A.06.350 and K.C.C.
8645 21A.08.030B.7.a.

8646 B. Arrangement may be made for later payment with the approval of the school
8647 district only if the district determines that it will be unable to use or will not need the
8648 payment until a later time, provided that sufficient security, as defined by the district, is
8649 provided to assure payment. Security shall be made to and held by the school district,
8650 which will be responsible for tracking and documenting the security interest.

8651 C. The fee amount established in the schedule shall be reduced by the amount of
8652 any payment previously made for the lot or development activity in question, either as a

8653 condition of approval or pursuant to a voluntary agreement with a school district entered
8654 into after the effective date of a school district's fee implementing ordinance.

8655 D. After the effective date of a school district's fee implementing ordinance,
8656 whenever a development is granted approval subject to a condition that the developer
8657 actually provide school sites, school facilities, or improvements to school facilities
8658 acceptable to the district, or whenever the developer has agreed, pursuant to the terms of
8659 a voluntary agreement with the school district, to provide land, provide school facilities,
8660 or make improvements to existing facilities, the developer shall be entitled to a credit for
8661 the value of the land or actual cost of construction against the fee that would be
8662 chargeable under the formula provided by this chapter. The land value or cost of
8663 construction shall be estimated at the time of approval, but must be documented. If
8664 construction costs are estimated, the documentation shall be confirmed after the
8665 construction is completed to assure that an accurate credit amount is provided. If the land
8666 value or construction costs are less than the calculated fee amount, the difference
8667 remaining shall be chargeable as a school impact fee.

8668 E. Impact fees may be adjusted by the county, at the county's discretion, if one of
8669 the following circumstances exist, provided that the discount set forth in the fee formula
8670 fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the
8671 fee:

8672 1. The developer demonstrates that an impact fee assessment was incorrectly
8673 calculated; or

8674 2. Unusual circumstances identified by the developer demonstrate that if the
8675 standard impact fee amount was applied to the development, it would be unfair or unjust.

8676 F. A developer may provide studies and data to demonstrate that any particular
8677 factor used by the district may not be appropriately applied to the development proposal,
8678 but the district's data shall be presumed valid unless clearly demonstrated to be otherwise
8679 by the proponent.

8680 G. Any appeal of the decision of the director or the hearing examiner with regard
8681 to imposition of an impact ~~((for))~~ fee or other fee amounts shall follow the appeal process
8682 for the underlying permit and not be subject to a separate appeal process. Where no other
8683 administrative appeal process is available, an appeal may be taken to the hearing
8684 examiner using the appeal procedures for variances. Any errors in the formula identified
8685 as a result of an appeal should be referred to the council for possible modification.

8686 H. Impact fees may be paid under protest in order to obtain a building permit or
8687 other approval of development activity, when an appeal is filed.

8688 SECTION X. Ordinance 19555, Section 22, and K.C.C. 21A.48.010 are hereby
8689 amended to read as follows:

8690 A. The purpose of the inclusionary housing regulations is to provide for the creation
8691 of new affordable dwelling units, particularly in areas where there is a high risk for
8692 displacement.

8693 B. The regulations and incentives in this chapter shall apply only to the ~~((Skyway-
8694 West Hill and North Highline community service area subarea geographies, as follows))~~
8695 following geographies:

8696 1. The standards in K.C.C. 21A.48.020 shall apply to areas with an unincorporated
8697 activity center land use designation;

8698 2. The voluntary incentives in K.C.C. 21A.48.030 shall apply to:

Commented [JC457]: technical edit to reflect existing intent.

Commented [JC458]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

These changes here expand the voluntary portions of the Inclusionary Housing regulations adopted for Skyway and North Highline to other urban areas in the county, as well as the Sno Pass and Vashon rural towns.. This is consistent with the geographies of the current RDI program.

Review is ongoing on other portions of the Skyway and North Highline Inclusionary Housing regulations to see if some parts of them should be excluded from these other geographies (such as related to the Inclusionary Housing regulations that allow for Transfer of Development Right bonuses, which is not consistent with current Transfer of Development Right regulations for Vashon).

8699 a. areas in the Skyway-West Hill and North Highline community service area
8700 subarea geographies that do not have an unincorporated activity center land use designation;
8701 and

8702 b. except as provided for in subsection B.1. and B.2 of this section, sites that are
8703 served by public sewers and that are in the following zones in the urban area or rural towns:

- 8704 (1) the R-4 through R-48 zones; and
8705 (2) the NB, CB, RB, and O zones when part of a mixed-use development; and

8706 3. The standards in K.C.C. 21A.48.040, K.C.C. 21A.48.050, K.C.C. 21A.48.060,
8707 K.C.C. 21A.48.070, K.C.C. 21A.48.080 and K.C.C. 21A.48.090 shall apply to any
8708 inclusionary housing project.

8709 C. Development or substantial improvement of one dwelling unit, an accessory
8710 dwelling unit, mobile home parks, cottage housing or senior citizen assisted housing shall
8711 not be subject to this chapter. Accessory dwelling units shall not be used to meet the
8712 requirements of this section.

8713 SECTION X. Ordinance 19555, Section 24, and K.C.C. 21A.48.030 are hereby
8714 amended to read as follows:

8715 A. This section shall apply:
8716 1. within the Skyway-West Hill and North Highline community service area
8717 subarea geographies except for areas with an unincorporated activity center land use
8718 designation;

8719 2. except as provided for in subsection A.1 of this section and K.C.C. 21A.48.010,
8720 on sites that are served by public sewers and that are in the following zones in the urban area
8721 or rural towns:

Commented [JC459]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

Makes it clear that this applies not only in the urban area, but also rural towns – except fall city, as it does not have sewer service – and to exclude NB and O zoned properties in the rural area that might potentially have sewer connections.

Commented [JC460]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

Subs-1 and 2 are both consistent with existing RDI geographies.

Commented [JC461]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

These changes here expand the voluntary portions of the Inclusionary Housing regulations adopted for Skyway and North Highline to other urban areas in the county, as well as the Sno Pass and Vashon rural towns.. This is consistent with the geographies of the current RDI program.

Review is ongoing on other portions of the Skyway and North Highline Inclusionary Housing regulations to see if some parts of them should be excluded from these other geographies (such as related to the Inclusionary Housing regulations that allow for Transfer of Development Right bonuses, which is not consistent with current Transfer of Development Right regulations for Vashon).

- 8722 a. the R-4 through R-48 zones; and
- 8723 b. the NB, CB, RB, and O zones when part of a mixed-use development.
- 8724 B. New or substantially improved development may only exceed the base density
- 8725 allowed in the zoning classification in accordance with the standards listed below.
- 8726 Additional density is authorized with the use of transfers of development rights in
- 8727 accordance with K.C.C. chapter 21A.37, as shown in the table in this subsection. Additional
- 8728 units derived from TDRs shall conform with the percentages at the affordability levels
- 8729 listed. The price of the TDR shall be determined in accordance with K.C.C. 21A.37.130.

Affordability Requirements			TDR Allowance ¹
Occupancy Type and AMI	Minimum Percentage of Total Units Required to be Affordable	Maximum Density (as percentage of base density)	Additional Density Allowed with purchase of TDRs
Developments with 9 or fewer units	0%	100%	Up to 150% base density
Rental at 60% AMI	100%	200%	None
	20%	150%	Additional 50%, up to 200% of base density
	10%	125%	Additional 50%, up to 175% of base density
Rental at 50% AMI	100%	200%	None

Commented [JC462]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the expanded Inclusionary Housing program to other areas of the county, this includes the rural towns of Sno Pass and Vashon. However, Transfer of Development Right are not currently allowed on Vashon. So, this change creates an exception for Vashon from the Inclusionary Housing Transfer of Development Right allowances.

	15%	150%	Additional 50%, up to 200% of base density
	7%	125%	Additional 50%, up to 175% of base density
Owner Occupied at 80% AMI	100%	200%	None
	30%	150%	Additional 50%, up to 200% of base density
	15%	125%	Additional 50%, up to 175% of base density
Any combination of 80% AMI (Owner) and 60% AMI (Rental)	100%	200%	None
	25%	150%	Additional 50%, up to 200% of base density
	12%	125%	Additional 50%, up to 175% of base density

8730 1 The TDR allowance is not applicable to Vashon Rural Town.

8731 SECTION X. Ordinance 19555, Section 26, and K.C.C. 21A.48.030 are hereby
8732 amended to read as follows:

8733 A. The affordable dwelling units shall:

- 8734 1. Have a similar or larger unit size and bedroom composition as the market-rate
8735 dwelling units in the development;
- 8736 2. Be integrated throughout the development;
- 8737 3. Be constructed with materials and finishes of comparable quality to the market-
8738 rate dwelling units in the development;

Commented [JC463]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the expanded Inclusionary Housing program to other areas of the county, this includes the rural towns of Sno Pass and Vashon. However, Transfer of Development Right are not currently allowed on Vashon. So, this change creates an exception for Vashon from the Inclusionary Housing Transfer of Development Right allowances.

8739 4. Meet accessibility standards at the same ratio as required by the development;
8740 and

8741 5. Have access equal to that of the market-rate dwelling units to on-site amenities
8742 including, but not limited to, parks, outdoor play areas, pools, exercise facilities and
8743 equipment, gathering spaces, bicycle repair facilities, shared work spaces and similar on-site
8744 amenities.

8745 B. All the dimensional standards of K.C.C. chapter 21A.12 and any applicable
8746 property-specific development standards and special district overlays apply, except as
8747 specifically prescribed by this chapter. The following modifications shall only be utilized
8748 for developments that provide housing in conformance with K.C.C. 21A.48.020 or K.C.C.
8749 21A.48.030:

8750 1. The maximum height limits are as follows:

8751 a. In the R-18, R-24 and R-48 zones, eighty feet;

8752 b. In the NB zone, sixty-five feet;

8753 c. In the CB zone, eighty feet;

8754 d. In the RB and O zones, eighty-five feet; ~~((and))~~

8755 e. For properties subject to P-Suffix NH-PXX (the p-suffix established in Map
8756 Amendment 17 of Attachment D to Ordinance 19555): the height limits set in the P-Suffix;

8757 f. In the CB zone in Snoqualmie Pass Rural Town, sixty-five feet; and

8758 g. In the R-4, R-8, and R-12 zones in Vashon Rural Town, thirty-five feet; and

8759 2. In the R-18, R-24 and R-48 zones, any portion of a building that exceeds the
8760 base height for the zone set forth in K.C.C. chapter 21A.12 shall be set back an additional
8761 ten feet from the street property line and interior property line;

Commented [JC464]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the expanded Inclusionary Housing program to other areas of the county, this includes the rural towns of Snoqualmie Pass and Vashon in addition to urban unincorporated communities. This reduces the height for the Rural Towns, which are not appropriate to take the same heights as urban areas. Vashon also has property-specific development conditions for CB zones that already limit heights in the rural town that would supersede these allowances here.

8762 3. In the NB, CB, RB and O zones, any portion of a building that exceeds the
8763 maximum height allowed for the zone by K.C.C. 21A.12.040.B.6. shall be set back an
8764 additional ten feet from the street property line and interior property line;

8765 4. The percentages of residential uses in mixed use developments in K.C.C.
8766 21A.14.110 do not apply. The percentages are as follows:

8767 a. a maximum of seventy-five percent of the total built floor area when located in
8768 NB zones; and

8769 b. a maximum of eighty-five percent of the total built floor area when located in
8770 CB, RB and O zones;

8771 5. The building floor area ratios in K.C.C. 21A.14.130 do not apply.
8772 Developments subject to this chapter shall not have a floor area ratio maximum; and

8773 6. The parking and circulation standards of K.C.C. chapter 21A.18 apply, except:

8774 a. The minimum required parking spaces for apartments and townhouses shall be
8775 one space per dwelling unit;

8776 b. The minimum required parking spaces for nonresidential uses of the project
8777 shall be the minimum required in K.C.C. 21A.18.020, or the minimum required in any
8778 applicable property-specific development standard or special district overlay, whichever is
8779 less; and

8780 c. The director may authorize a reduction of up to fifty percent of the minimum
8781 required number of spaces for inclusionary housing projects without a required a parking
8782 study. The director shall consider proximity to transit, bedroom composition, availability of
8783 on-street parking and proposed nonresidential uses when determining the size of the
8784 reduction.

8785 SECTION X. Ordinance 19119, Section 2, and K.C.C. 21A.55.125 are hereby
8786 amended to read as follows:

8787 A.1. The purpose of the alternative housing demonstration project is to:

8788 a. encourage private market development of housing options that are affordable to
8789 different segments of the county's population by testing removal of certain regulatory
8790 barriers to developing such housing;

8791 b. compare ((~~at least two~~)) alternative housing options and their accessibility for
8792 populations who are otherwise unable to find suitable housing, such as lower-income one-
8793 person households, low-income seniors, people with disabilities, veterans and persons
8794 experiencing homelessness;

8795 c. evaluate the public benefit of providing housing options with smaller living
8796 spaces and shared facilities; and

8797 d. implement Phase I of King County Comprehensive Plan Workplan Action 6,
8798 as adopted in Ordinance 18427, and as amended by Ordinances 18427, ((~~and~~)) 18810, and
8799 this Ordinance.

8800 2. The expected benefits from the alternative housing demonstration project
8801 include:

8802 a. the use of innovative design and development techniques to promote
8803 alternative housing options;

8804 b. the development of new affordable housing built to modern building standards;
8805 and

8806 c. the opportunity to identify and evaluate potential substantive changes to land
8807 use and development regulations that support the development of affordable housing while

Commented [JC465]: Changes throughout this section that propose to impose the Alternative Housing Demonstration Project to the CB (Community Business) zoned properties in Snoqualmie Pass Rural town.
As part of these changes, clean-up is also being made to reflect that the current Demonstration Project Areas in Vashon and North Highline have since expired. These changes would remove those geographies and would update the timeline to reflect the addition of Snoqualmie Pass.
This has related map amendments.

8808 maintaining community character.

8809 B. For purposes of this section:

8810 1. "Congregate residence" means one or more buildings that contain either
8811 sleeping units or dwelling units, or both, and where residents share either sanitation facilities
8812 or kitchen facilities, or both.

8813 2. "Sleeping unit" means a room or space in which people sleep, and can also
8814 include permanent provisions for living, eating, and either sanitation or kitchen facilities but
8815 not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

8816 C. The alternative housing demonstration project shall be implemented in (~~North~~
8817 ~~Highline as described in Attachment A to Ordinance 19119 and in the Vashon Rural Town~~
8818 ~~as described in Attachment B to Ordinance 19119~~) Snoqualmie Pass Rural Town as
8819 described in Attachment X to this Ordinance.

8820 D. Applications shall demonstrate how the proposed project, when considered as a
8821 whole with the proposed modifications or waivers to the code, will meet the criteria in this
8822 section and, as compared to development without the modification or waiver, the degree to
8823 which the project will:

8824 a. increase the range of affordable housing options, including providing housing
8825 types that meet the needs of the local community;

8826 b. provide housing options for low- to moderate-income households;

8827 c. provide for the development of lower rent housing options through
8828 construction of buildings with shared facilities;

8829 d. seek to prevent displacement of the local community's residents;

8830 e. for projects with public funding, meet or exceed the sustainable development

8831 standards adopted by Washington state Department of Commerce under RCW 39.35D.080;

8832 f. for projects without public funding, meet or exceed Master Builders

8833 Association of King and Snohomish Counties 4-star Built Green standard; and

8834 g. provide attractive and well-designed development.

8835 E. The following apply to a demonstration project development proposal under this
8836 section and supersede development regulations under this title that are in conflict:

8837 1. A demonstration project development proposal for a congregate residence in
8838 ~~((North Highline identified in Attachment A to Ordinance 19119))~~ Snoqualmie Pass Rural
8839 Town as identified in Attachment X to this Ordinance, is a permitted use under K.C.C.
8840 21A.08.030 and the maximum residential density provisions ~~((and the base height~~
8841 ~~provisions of K.C.C. 21A.12.030 and))~~ 21A.12.040 do not apply if:

8842 a. the proposal is for no more than a combined total of ~~((sixty))~~ forty dwelling
8843 units and sleeping units;

8844 b. each sleeping unit or dwelling unit contains no more than two hundred twenty
8845 square feet of floor area; and

8846 c. the proposed development does ~~((not exceed sixty feet in height))~~ use the
8847 provisions of K.C.C. chapter 21A.48.

8848 2. A demonstration project development proposal for a congregate residence, in
8849 Vashon Rural Town as identified in Attachment B to Ordinance 19119* is a permitted use
8850 under K.C.C. 21A.08.030 and the maximum residential density provisions of K.C.C.
8851 21A.12.030 do not apply if:

8852 a. the development proposal is for no more than five buildings with each building
8853 containing no more than a combined total of eight dwelling units and sleeping units; and

Commented [JC466]: removes ability to exceed base heights to maintain scale in the Rural Town

Commented [JC467]: reduces the number of units that was previously allowed for North Highline, as that amount is not appropriate for the Rural Town

Commented [JC468]: removes ability to exceed base heights to maintain scale in the Rural Town

Commented [JC469]: Ensures that the demonstration project does not "double dip" with the regulatory flexibilities here *and* in the inclusionary housing program.

8854 b. except for accessibility units designed to house persons with physical
8855 disabilities, sleeping units and dwelling units shall not contain more than three hundred fifty
8856 square feet of floor area. Sleeping units and dwelling units designed as accessible for
8857 persons with physical disabilities shall contain no more than three hundred eight five feet of
8858 net floor area.

8859 F. A congregate residence under this section shall meet the following standards:

8860 1. A congregate residence shall include at least one common kitchen facility. In a
8861 congregate residence with more than two floors, at least one common kitchen facility is
8862 required on each floor with sleeping units. In a congregate residence consisting of more
8863 than one building, at least one common kitchen facility is required in each building.

8864 2. A sleeping unit that does not include sanitation facilities in the sleeping unit
8865 shall have access to shared sanitation facilities on the same floor as the sleeping unit.

8866 3. Communal areas, such as common kitchen facilities, lounges, recreation rooms,
8867 dining rooms, living rooms, laundry rooms, foyers and lobbies, shall be open to all residents
8868 of the congregate residence and shall meet the following standards:

8869 a. The total floor area of communal areas shall be at least twelve percent of the
8870 total floor area of all sleeping and dwelling units; and

8871 b. Service areas, including, but not limited to hallways and corridors, supply or
8872 janitorial storage areas, operations and maintenance areas, staff areas and offices may not be
8873 counted toward the communal area total floor area requirement.

8874 G.1. An application for a development permit or building permit under this section
8875 shall include a proposed agreement with the department of local services, permitting
8876 division, that addresses at least the following to be undertaken by the applicant:

8877 a. measures to ensure that rents remain affordable, such as rent and income
8878 restrictions or the inherent affordability of smaller units;

8879 b. ~~(measures to reduce displacement of the local community's residents, such as~~
8880 ~~affirmative marketing or maintaining wait lists;~~

8881 ~~e. measures to ensure that residents have available transportation choices to~~
8882 ~~enable them reasonable access to retail and services, such as the Metro transit department~~
8883 ~~Access paratransit services, community service vans, bike storage rooms or carshare~~
8884 ~~services;~~

8885 d. for projects in the Vashon Rural Town, services that will be available to
8886 residents of the project, such as case management for vulnerable populations or social
8887 connectivity programming;

8888 e. measures to incorporate housing needs of the local community into the
8889 proposed development;

8890 f.) measures to involve the local community in the proposed development; and
8891 ~~(g.))~~ c. what information the applicant will collect and when and how it will be
8892 reported to the department of local services, permitting division, and the department of
8893 community and human services to assist in evaluation of the demonstration project.

8894 2. The department shall not approve a development permit or building permit
8895 application under this section until the proposed agreement under this subsection has been
8896 approved by the department of local services, permitting division.

8897 H.1. A modification or waiver approved by the department of local services,
8898 permitting division, in accordance with this section shall be in addition to those
8899 modifications or waivers that are currently allowed by this title, K.C.C. Title 9, K.C.C. Title

Commented [JC470]: These conditions are not applicable to Snoqualmie Pass

8900 14 and K.C.C. Title 16.

8901 2. An applicant under this section, in conjunction with an application for a site
8902 development permit or a building permit, may request in writing a modification or waiver of
8903 the development regulations under the following chapters and titles. Proposals to modify or
8904 waive development regulations for a development application must be consistent with
8905 general health, safety and public welfare standards and must not violate state or federal law:

8906 a. drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
8907 Design Manual;

8908 b. King County road standards: K.C.C. chapter 14.42 and the county road
8909 standards, 2016 update;

8910 c. King County building code: K.C.C. Title 16;

8911 d. permitted uses: K.C.C. chapter 21A.08;

8912 e. density and dimensions: K.C.C. chapter 21A.12;

8913 f. design requirements: K.C.C. chapter 21A.14;

8914 g. landscaping and water use: K.C.C. chapter 21A.16;

8915 h. parking and circulation: K.C.C. chapter 21A.18; and

8916 i. school impact fees: K.C.C. chapter 21A.43.

8917 3. Requests for a waiver or modification made in accordance with this section shall
8918 be submitted to the department of local services, permitting division, in writing before or in
8919 conjunction with a development permit or building permit application together with any
8920 supporting documentation. The supporting documentation must illustrate how the proposed
8921 modification meets the criteria in this section.

8922 4. The notice of application, review and approval of a proposed modification or

8923 waiver under this section shall be treated as a Type 2 land use decision in accordance with
8924 K.C.C. 20.20.020. Approval or denial of the proposed modification or waiver shall not be
8925 construed as applying to any other development application either within a demonstration
8926 project area or elsewhere in the county.

8927 5. A preapplication conference with the applicant and the department of local
8928 services, permitting division, to determine the need for and the likely scope of a proposed
8929 modification or waiver is required before submittal of such a request. If a modification or
8930 waiver requires approval of the department of natural resources and parks or the department
8931 of local services, roads services division, that department or division shall be invited to
8932 participate in the preapplication conference.

8933 6. If the applicant requests an adjustment from the county drainage standards, the
8934 director shall refer the request to the department of natural resources and parks for decision
8935 under K.C.C. chapter 9.04, with the right to appeal within the department of natural
8936 resources and parks as provided in K.C.C. 9.04.050.C.6. The department of natural
8937 resources and parks shall consider the purposes of this demonstration project as a factor
8938 relative to the public interest requirement for drainage adjustments described in K.C.C.
8939 9.04.050.C.

8940 7. If the applicant requests a variance from the county road standards, the director
8941 shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with
8942 the right to appeal to the department of local services, road services division, as provided in
8943 K.C.C. 14.42.060 and the associated public rules. The department of local services, road
8944 services division, shall consider the purposes of this demonstration project as a factor
8945 relative to the public interest requirement for road variances described in K.C.C. 14.42.060.

8946 8. Administrative appeals of modifications or waivers approved by the director
8947 shall be combined with any appeal of the underlying permit decision.

8948 I. An approved development permit or a building permit under this section,
8949 including site plan elements or conditions of approval, may be amended or modified at the
8950 request of the applicant or the applicant's successor in interest designated by the applicant in
8951 writing. The director may administratively approve minor modifications to an approved
8952 permit. Modifications that result in major changes as determined by the department of local
8953 services, permitting division, or as defined by the approval conditions shall be treated as a
8954 new application for purposes of vesting and shall be reviewed as applicable to the
8955 underlying application in accordance with K.C.C. 20.20.020. Any increase in the total
8956 number of sleeping units and dwelling units above the maximum number set forth in the
8957 development permit or building permit approval shall be deemed a major modification. The
8958 county, through the applicable development permit or building permit approval conditions,
8959 may specify additional criteria for determining whether proposed modifications are major or
8960 minor. The modifications allowed under this section supersede other modification or
8961 revision provisions of K.C.C. Title 16 and this title.

8962 J. Demonstration project applications shall be accepted by the department of local
8963 services, permitting division, for four years from ((July 19, 2020)) the effective date of this
8964 Ordinance. Complete applications submitted before the end of the four years, shall be
8965 reviewed and decided on by the department of local services, permitting division.

8966 K.1. The executive shall file the following reports in the form of a paper original
8967 and an electronic copy with the clerk of the council, who shall retain the original and
8968 provide an electronic copy to all councilmembers, the council chief of staff, the lead staff to

Commented [JC471]: Allows the same 4 year application period for Snoqualmie Pass as with the previous geographies under the Demonstration Project.

8969 the local services, committee or its successor and the lead staff to the community health and
8970 housing services committee or its successor:

8971 a. A preliminary report within two years of the final certificate of occupancy for
8972 the first project completed under the demonstration project that describes and evaluates the
8973 pertinent preliminary results; and

8974 b. A final report within two years of the final certificate of occupancy for the
8975 second project completed under the demonstration project that describes and evaluates the
8976 pertinent results and recommends changes, if appropriate based on evaluation, that should
8977 be made to the county processes and development regulations.

8978 2. If only insufficient or inconclusive data are available when the report required
8979 under subsection K.1. of this section is due, the executive must file in the form of a paper
8980 original and an electronic copy with the clerk of the council, who shall retain the original
8981 and provide an electronic copy to all councilmembers, the council chief of staff, the lead
8982 staff to the local services committee or its successor and the lead staff to the community
8983 health and housing services committee or its successor a report on the demonstration
8984 projects that indicates the date a subsequent report or reports will be transmitted to fully
8985 evaluate outcomes of the demonstration project sites and recommend changes, if
8986 appropriate, based on the evaluation, that should be made to the county processes and
8987 development regulations.

8988 SECTION X. Sections X through X of this ordinance should constitute a new
8989 chapter in K.C.C. Title 21A.

8990 NEW SECTION. SECTION X. There is hereby added to the chapter established
8991 in section X of this ordinance a new section to read as follows:

Commented [JC472]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional siting and operational standards.

8992

8993 The purpose of this chapter is to provide standards for emergency housing options
8994 and to address the potential impacts to neighborhoods.

8995 NEW SECTION. SECTION X. There is hereby added to the chapter established
8996 in section X of this ordinance a new section to read as follows:

8997 A. In addition to contents otherwise required for applications in the code, the
8998 application for emergency housing shall include:

8999 1. A description of the staffing and operational characteristics, including
9000 confirmation of sanitation and basic safety measures required for the facility;

9001 2. Occupancy policies, including a description of the population to be served
9002 and a code of conduct that includes, at a minimum, a prohibition of threatening or unsafe
9003 behavior;

9004 3. A plan for managing the exterior appearance of the site, including keeping the
9005 site litter free;

9006 4. A phone number, email, and point of contact at the site of the facility for the
9007 community to report concerns. A plan for addressing reported concerns and making this
9008 information publicly available;

9009 5. A plan for outreach with surrounding property owners and residents
9010 addressing items such as noise, smoking areas, parking, security procedures, and litter;
9011 and

9012 6. A site plan and narrative documenting compliance with all applicable codes,
9013 including:

9014 a. a sketch of the building or buildings to be occupied,

Commented [JC473]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional siting and operational standards.

9015 b. a floor plan that describes the capacities of the buildings for the uses
9016 intended, room dimensions, and a designation of the rooms to be used for nonambulatory
9017 residents, if any; and

9018 c. a sketch of the grounds showing buildings, driveways, fences, storage areas,
9019 pools, gardens, and, recreation areas, including all spaces used by the residents.

9020 B. When in conflict with other sections of this Title, the criteria in this chapter
9021 will supersede.

9022 NEW SECTION. SECTION X. There is hereby added to the chapter established
9023 in section X of this ordinance a new section to read as follows:

9024 Safe parking areas are subject to the following criteria.

9025 A. The director may reduce the minimum number of on-site parking spaces
9026 required in K.C.C. chapter 21A.18 based on a parking study prepared by a professional
9027 engineer with expertise in traffic and parking analyses, or an equally qualified individual
9028 as authorized by the director.

9029 B. Safe parking facilities that allow vehicles that do not have restroom facilities
9030 must provide restroom and potable water access within the buildings on the property or
9031 portable facilities and handwashing stations.

9032 C. If RVs are hosted at the safe parking facility, provision must be made for
9033 potable water and for proper disposal of grey water and black water waste from the
9034 vehicles.

9035 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 24.08 a
9036 new section to read as follows:

9037 The definitions in K.C.C. chapter 21A.06 and the following definitions apply to

Commented [JC474]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional siting and operational standards.

Commented [JC475]: Allows for new emergency housing definitions in K.C.C. 21A.06 to apply here as well.

9038 this chapter. Where definitions in this chapter differ from the definitions in K.C.C.
9039 chapter 21A.06, the following definitions shall control.

9040 NEW SECTION. SECTION X. There is hereby added to K.C.C. chapter 24.08 a
9041 new section to read as follows:

9042 Rotating Shelter: an emergency shelter where the hosting organizations host
9043 shelter operations for a brief period of time, as established by this chapter, rotating the
9044 shelter operations between its participating host locations.

9045 SECTION X. Sections X through X of this ordinance should constitute a new
9046 chapter in K.C.C. Title 24.

9047 NEW SECTION. SECTION X. There is hereby added to the chapter established
9048 in section X of this ordinance a new section to read as follows:

9049 The purpose of this chapter is to provide standards for emergency housing options
9050 and to address the potential impacts to neighborhoods.

9051 NEW SECTION. SECTION X. There is hereby added to the chapter established
9052 in section X of this ordinance a new section to read as follows:

9053 Recuperative housing is subject to the following criteria.

9054 A. Prospective residents must be referred to the facility by off-site providers of
9055 housing and services for people experiencing homelessness.

9056 B. Recuperative housing facilities must be staffed and in operation twenty-four
9057 hours per day.

9058 C. Specific rooms or units shall be assigned to specific residents for the duration of
9059 their stay.

9060 D. On-site services such as laundry, hygiene, meals, case management, and social

Commented [JC476]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

Commented [JC477]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional siting and operational standards.

Commented [JC478]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional siting and operational standards.

9061 programs are limited to residents.

9062 E. All vehicles on-site must be licensed and in operational condition.

9063 NEW SECTION. SECTION X. There is hereby added to the chapter established

9064 in section X of this ordinance a new section to read as follows:

9065 A. Permanent emergency shelters that in operation twenty-four hours per day, seven
9066 days per week, are subject to the following criteria.

9067 1. Facilities must be staffed twenty-four hours per day.

9068 2. Beds or rooms shall be assigned to specific residents for the duration of their
9069 stay.

9070 B. Permanent emergency shelters that operate only overnight and rotating shelters
9071 must provide on-site supervision while in operation.

9072 NEW SECTION. SECTION X. There is hereby added to the chapter established

9073 in section X of this ordinance a new section to read as follows:

9074 Emergency supportive housing or interim housing are subject to the following
9075 criteria.

9076 A. Facilities must be staffed and in operation twenty-four hours per day.

9077 B. Specific rooms or units shall be assigned to specific residents for the duration of
9078 their stay.

9079 C. On-site services such as laundry, hygiene, meals, case management, and social
9080 programs are limited to residents.

9081 D. All vehicles on-site must be licensed and in operational condition.

9082 NEW SECTION. SECTION X. There is hereby added to the chapter established

9083 in section X of this ordinance a new section to read as follows:

Commented [JC479]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional operational standards.

Commented [JC480]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional operational standards.

Commented [JC481]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional operational standards.

9084 Micro-modular shelter villages are subject to the following criteria.

9085 A. On-site services such as laundry, hygiene, meals, case management, and social
9086 programs are limited to residents.

9087 B. Supervision must be provided by on-site staff at all times, unless it can be
9088 demonstrated that this level of supervision is not warranted for the population being housed.

9089 C. The organization managing and operating the facility shall provide sanitation and
9090 basic safety measures.

9091 D. All vehicles on-site must be licensed and in operational condition.

9092 NEW SECTION. SECTION X. There is hereby added to the chapter established
9093 in section X of this ordinance a new section to read as follows:

9094 Safe parking areas are allowed subject to the following criteria.

9095 A. A six-foot clearance shall be provided around each recreational vehicle.

9096 B. All vehicles on-site shall be:

- 9097 1. licensed and in operable condition; and
9098 2. parked with the designated parking area.

9099 C. All personal property shall be stored inside the vehicles.

9100 D. All propane tanks must be securely fastened to a RV's propane tank mounting
9101 bracket.

9102 E. The following are prohibited:

9103 1. Tents, tarps, other temporary structures, such as lean-to's;

9104 2. Vehicles that leak the following:

9105 a. domestic sewage or other waste fluids or solids; or

9106 b. gasoline, transmission or radiator fluid, engine oil, or other similar fluids,

Commented [JC482]: Under the Growth Management Act, King County must complete a Housing Needs Assessment for periodic Comprehensive Plan updates. The assessment for the 2024 Update found that there is sufficient zoning capacity for housing available for all income segments in unincorporated King County except for emergency housing. Code changes are proposed that would explicitly allow various emergency housing types in the development regulations to create the zoned capacity to address the shortfall.

This new chapter provides additional operational standards.

9107 excluding potable water;

9108 3.. Fires; and

9109 4. Audio, video, generator, or other amplified sound that is audible outside the

9110 vehicles.

9111 F. The organization managing or operating the safe parking facility shall comply

9112 and enforce compliance of applicable state statutes and regulations and local ordinances

9113 concerning, but not limited to, drinking water connections, solid waste disposal, human

9114 waste, outdoor fire burning, and electrical systems.

9115 SECTION X. The following are hereby repealed:

9116 A. Ordinance 18810, Section 6, as amended, and K.C.C. 20.08.175;

9117 B. Ordinance 8279, Section 1, as amended, and K.C.C. 20.12.150;

9118 C. Ordinance 11620, Section 18, and K.C.C. 20.12.433;

9119 D. Ordinance 11620, Section 19, and K.C.C. 20.12.435;

9120 E. Ordinance 1096, Sections 1 and 2, as amended, and K.C.C. 20.12.090;

9121 F. Ordinance 10870, Section 101, and K.C.C. 21A.06.305;

9122 G. Ordinance 12171, Section 3, and K.C.C. 21A.06.533;

9123 H. Ordinance 10870, Section 196, and K.C.C. 21A.06.780;

9124 I. Ordinance 10870, Section 308, and K.C.C. 21A.06.1340;

9125 J. Ordinance 10870, Section 560, and K.C.C. 21A.34.010;

9126 K. Ordinance 10870, Section 561, and K.C.C. 21A.34.020;

9127 L. Ordinance 10870, Section 562, as amended, and K.C.C. 21A.34.030;

9128 M. Ordinance 10870, Section 563, as amended, and K.C.C. 21A.34.040;

9129 N. Ordinance 10870, Section 564, as amended, and K.C.C. 21A.34.050;

Commented [JC483]: "Subarea studies" is a term that has inconsistent definitions and usage throughout the Comp Plan and code. Upon review of the references to subarea studies, it was determined that the "subarea study" requirements could either be met via an area zoning and land use study and/or a subarea plan (depending on the case) in current practice or were not applicable in the instance it was being referenced. Subarea study references are replaced by area zoning and land use studies and/or subarea plans, or removed, to reflect existing intent. The subarea study definition will be removed, as it is no longer necessary.

In this case, this is the "subarea study" definition that is being removed. The same change is made to this term in the Comprehensive Plan glossary.

Commented [JC484]: Affordable housing capital facilities plan. Not current, active plan. A replacement functional plan is no longer needed. The Comprehensive Plan provides the official policy guidance, and implementation occurs via a variety of agency plans. Housing needs are address in Appendix B Housing, and any applicable County six-year financing occurs as part of the biennial budget.

Commented [JC485]: King County Nonmotorized Transportation Plan. Not current, active plan. A replacement functional plan is no longer needed. The Comprehensive Plan provides the official policy guidance, and implementation occurs via a variety of agency plans. Transportation needs planning are addressed in Appendix C, C1, and C2.

Commented [JC486]: King County Arterial HOV Transportation Plan. Not current, active plan. A replacement functional plan is no longer needed. The Comprehensive Plan provides the official policy guidance, and implementation occurs via a variety of agency plans. Transportation needs planning are addressed in Appendix C and C1.

Commented [JC487]: Park development policies. Not current, active plan. The Comprehensive Plan provides the official policy guidance, along with the Open Space Plan that is adopted as a functional plan of the Comp Plan.

Commented [JC488]: Removes definition of "development agreement" for Urban Planned Developments to reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC489]: Removes definition of "fully contained community" to reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,

Commented [JC490]: Scope IV.D.5 5. Review code provisions for manufacturing and regional land use uses allowed in the Industrial zone ...

Proposing removal of "Motor vehicle and bicycle manufacturing" definition from K.C.C. Chapter 21A.06 per the changes to the manufacturing table in this ordinance. The change in the use table ...

Commented [JC491]: Removes definition of "urban planned development" to reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,

- 9130 O. Ordinance 10870, Section 565, as amended, and K.C.C. 21A.34.060;
- 9131 P. Ordinance 10870, Section 566, and K.C.C. 21A.34.070;
- 9132 Q. Ordinance 10870, Section 567, and K.C.C. 21A.34.080;
- 9133 R. Ordinance 16267, Section 68, as amended, and K.C.C. 21A.37.055;
- 9134 S. Ordinance 10870, Section 581, and K.C.C. 21A.38.080;
- 9135 T. Ordinance 12823, Section 13, and K.C.C. 21A.38.180;
- 9136 U. Ordinance 18623, Section 9, and K.C.C. 21A.38.270;
- 9137 V. Ordinance 10870, Section 582, and K.C.C. 21A.39.010;
- 9138 W. Ordinance 10870, Section 583, as amended, and K.C.C. 21A.39.020;
- 9139 X. Ordinance 10870, Section 584, as amended, and K.C.C. 21A.39.030;
- 9140 Y. Ordinance 10870, Section 585, and K.C.C. 21A.39.040;
- 9141 Z. Ordinance 10870, Section 586, as amended, and K.C.C. 21A.39.050;
- 9142 AA. Ordinance 10870, Section 587, and K.C.C. 21A.39.060;
- 9143 BB. Ordinance 10870, Section 588, and K.C.C. 21A.39.070;
- 9144 CC. Ordinance 10870, Section 589, and K.C.C. 21A.39.080;
- 9145 DD. Ordinance 10870, Section 590, and K.C.C. 21A.39.090;
- 9146 EE. Ordinance 10870, Section 591, and K.C.C. 21A.39.100;
- 9147 FF. Ordinance 10870, Section 592, and K.C.C. 21A.39.110;
- 9148 GG. Ordinance 10870, Section 593, and K.C.C. 21A.39.120;
- 9149 HH. Ordinance 10870, Section 594, and K.C.C. 21A.39.130;
- 9150 II. Ordinance 12171, Section 8, and K.C.C. 21A.39.200;
- 9151 JJ. Ordinance 10870, Section 628, and K.C.C. 21A.44.070;
- 9152 KK. Ordinance 12171, Section 9, and K.C.C. 21A.44.080;

Commented [JC492]: Scope II.B.6 – Update the Residential Density Incentives (RDI) program

As part of the 2020 and 2024 Comprehensive Plan review and update of the RDI program, it was determined that the program should focus on affordable housing density incentives. Within this narrowed focus of the program, it was determined that alignment with the affordable housing density incentives in the voluntary Inclusionary Housing regulations recently adopted for Skyway and North Highline would be more clear, consistent, and effective in achieving and implementing affordable housing goals. Given this, the RDI program is proposed to be repealed and replaced by an expanded version of the Inclusionary Housing program. The changes in this ordinance effectuate that transition.

This change specifically repeals the current RDI program.

Commented [JC493]: Scope III.C.3
Removes a provision for urban Transfer of Development Rights (TDR) receiving site projects that allows the "reduction" of greenhouse gas emissions resulting from the purchase of the rural TDRs to be used in the calculation of the sending site's greenhouse gas emissions. New scientific analysis suggests this is very variable and isn't necessarily a carbon positive scenario in all cases.

Commented [JC494]: Removing Urban Planned Development implementation Special District Overlay to reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC495]: Removing the Highway-Oriented Development Special District Overlay, as all of the applicable parcels have been annexed.

Commented [JC496]: Scope II.B.7
Repealing Vashon Affordable Housing Special District Overlay to rely on new expanded voluntary inclusionary housing program in K.C.C. Chapter 21A.48 instead. The Overlay was not successful in producing any affordable units, and the new inclusionary housing program is anticipated to more effectively support the improved affordable housing access intended by the Overlay.

Commented [JC497]: Removing Urban Planned Development Chapter to reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC498]: Removes decision criteria for Urban Planned Developments to reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

Commented [JC499]: Removes decision criteria for Fully Contained Communities to reflect that

- there are no large undeveloped areas in the urban growth area that would be appropriate for a Urban Planned Development-scale/Fully Contained Community-scale of development,
- the previous Urban Planned Development/Fully Contained Community agreements and permits have expired and are now under King County zoning

9153 LL. Ordinance 13275, Section 1, as amended, and K.C.C. 21A.55.050;
9154 MM. Attachment A to Ordinance 13875, as amended;
9155 OO. Ordinance 17877; and
9156 PP. Ordinance 17878;

9157 SECTION X. The executive shall submit sections X and X of this ordinance and
9158 amendments to King County Comprehensive Plan chapter six in Attachment X to this
9159 ordinance to the state Department of Ecology for its approval, as provided in RCW
9160 90.58.090.

9161 SECTION X. Sections X and X of this ordinance and amendments to King
9162 County Comprehensive Plan chapter six in Attachment X to this ordinance take effect
9163 within the shoreline jurisdiction fourteen days after the state Department of Ecology
9164 provides written notice of final action stating that the proposal is approved, in accordance
9165 with RCW 90.58.090. The executive shall provide the written notice of final action to the
9166 clerk of the council.

9167 SECTION X. The executive is authorized to submit an application to the Growth
9168 Management Planning Council to designate the Skyway and White Center
9169 Unincorporated Activity Centers as countywide centers, as provided in Appendix 6 to the
9170 2021 King County Countywide Planning Policies.

9171 SECTION X. Severability. If any provision of this ordinance or its application
9172 to any person or circumstance is held invalid, the remainder of the ordinance or the
9173 application of the provision to other persons or circumstances is not affected.

Commented [JC500]: Removing Demonstration project overlay - rural forest demonstration project, as the project has already been implemented.

Commented [JC501]: Repeals the Fall City Subarea Plan, which is replaced by the new Snoqualmie Valley/Northeast King County Subarea Plan adopted by this ordinance

Commented [JC502]: Repeals Alluvial Fan Demonstration Project outside the shoreline jurisdiction, which expired in 2020

Commented [JC503]: Repeals Alluvial Fan Demonstration Project inside the shoreline jurisdiction, which expired in 2020

Commented [JC504]: Related to amendments to the Shoreline Master Program and required state review/approval

Commented [JC505]: Related to amendments to the Shoreline Master Program and required state review/approval

Commented [CJ506]: The Countywide Planning Policies currently identify the Skyway and White Center Unincorporated Activity Centers as candidate centers. This action would allow the County to start the process to formalize their designation as approved countywide centers. Such a designation would allow them to be prioritized for additional infrastructure investments.