



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19824

Proposed No. 2023-0263.3

Sponsors Perry

1 AN ORDINANCE relating to energy storage systems;
2 amending Ordinance 10870, Section 43, as amended, and
3 K.C.C. 21A.06.015, Ordinance 10870, Section 44, as
4 amended, and K.C.C. 21A.06.020, Ordinance 10870,
5 Section 45, as amended, and K.C.C. 21A.06.025,
6 Ordinance 10870, Section 330, as amended, and K.C.C.
7 21A.08.030, Ordinance 10870, Section 333, as amended,
8 and K.C.C. 21A.08.060, Ordinance 10870, Section 335, as
9 amended, and K.C.C. 21A.08.080, Ordinance 10870,
10 Section 336, as amended, and K.C.C. 21A.08.090,
11 Ordinance 10870, Section 337, as amended, and K.C.C.
12 21A.08.100, Ordinance 10870, Section 354, as amended,
13 and K.C.C. 21A.12.170, Ordinance 10870, Section 359, as
14 amended, and K.C.C. 21A.12.220, Ordinance 10870,
15 Section 388, as amended, and K.C.C. 21A.16.030,
16 Ordinance 10870, Section 390, as amended, and K.C.C.
17 21A.16.050, Ordinance 10870, Section 391, as amended,
18 and K.C.C. 21A.16.060, and Ordinance 12020, Section 17,
19 as amended, and K.C.C. 27A.30.060, adding a new section

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20 to K.C.C. chapter 21A.06, and adding a new chapter to
21 K.C.C. Title 21A.

22 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

23 **SECTION 1. Findings:**

24 A. Battery energy storage systems play a crucial role in modern energy
25 supply by providing efficient and flexible storage for electricity generated from
26 renewable energy sources, such as solar and wind power. They help address the
27 intermittent nature of these sources by storing excess electricity during times of
28 low demand and releasing it when demand is high. That enhances grid stability
29 and reliability when implemented on a region-wide scale, and increases the
30 reliability of electricity supply for individual uses when installed to back up
31 consumer-scale renewable energy generation systems.

32 B. The use of battery energy storage systems has been rapidly increasing
33 worldwide due to advancements in battery technology, decreasing costs,
34 heightened electricity demand, and the growing adoption of renewable energy
35 generation. The deployment of battery energy storage systems has undergone
36 substantial growth in recent years, driven by both utility-scale installations and
37 distributed systems at residential, commercial, and industrial levels.

38 C. King County strives to be a leader in battery energy storage system
39 deployment. By making renewable energy sources more reliable, battery energy storage
40 systems are important in helping King County meet its Strategic Climate Action Plan
41 goal of reducing greenhouse gas emissions in the county by eighty percent by 2050. To
42 this end, the 2020 Strategic Climate Action Plan sets a target of building one hundred

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43 megawatts of battery energy storage per utility serving King County by 2030, and 200
44 megawatts of battery energy storage per utility serving King County by 2045. Battery
45 energy storage can play an important role in meeting the requirements of the state’s Clean
46 Energy Transformation Act – net neutral greenhouse gas emissions by 2030 and one
47 hundred percent clean electricity by 2045 – reliably and cost effectively. Batteries help
48 bridge the gap in peak demand hours when the sun is not shining and the wind is not
49 blowing by supporting a more flexible and resilient electricity system. King County has
50 already demonstrated its commitment to deploying battery energy storage systems by
51 installing a 10-megawatt system at its West Point wastewater treatment plant. The
52 system will make the county’s wastewater treatment system resilient to voltage sags that
53 have caused major disruptions to the plant's operation in the past, and demonstrate the
54 technology's viability, safety, and importance to a clean, efficient, and resilient energy
55 system.

56 D. To meet the county's battery storage deployment target and the county's
57 overall climate goals, it is important that battery energy storage systems be deployed at
58 all scales, from accessory residential uses of a few kilowatts up to utility-scale systems of
59 100 or more megawatts. Those larger systems consisting of hundreds of megawatts
60 require large sites that are typically only found in the rural area and natural resource
61 lands. This ordinance advances these Strategic Climate Action Plan priorities by making
62 battery energy storage systems of all scales an allowed use on nearly ninety-seven
63 percent of the county's unincorporated land area.

64 E. The remaining three percent of the county's unincorporated land area is made
65 up of agricultural lands. Being the most urban county in the state, King County has very

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66 little agricultural land, nearly all of which is protected as agricultural land of long-term
67 significance for the commercial production of food or other agricultural products under
68 the Growth Management Act and RCW 36.70A.170. That land contains rich agricultural
69 soils, which are a precious and finite resource.

70 F. In order to maintain consistency with the Growth Management Act and protect
71 agricultural lands for present and future generations, this ordinance only allows battery
72 energy storage systems in agricultural zones as an accessory use, up to 2 megawatts. The
73 2-megawatt allowance leaves flexibility for farmers to store energy for their own use and
74 to participate in energy sharing with their neighbors through microgrid applications,
75 while maintaining a small footprint, which is likely less than four-hundred square feet. If
76 there is no feasible alternative to constructing battery energy storage systems on
77 agricultural lands, King County can consider granting special use permit authority for
78 these systems in the next code update to address reliability issues at any substation
79 proximate to agricultural lands.

80 G. Because widespread use of battery energy storage systems is a relatively
81 recent phenomenon, there are not currently regulations in King County's zoning code that
82 specifically address them. The requirements of this ordinance and existing land use and
83 environmental regulations in the King County Code ensure that battery energy storage
84 systems are built and located to minimize disruption of natural resource-related activity,
85 are compatible with resource management, and protect public health and safety and the
86 environment.

87 H. While battery energy storage systems offer the advantages cited in
88 subsections A. through E. of this section, there are also potential risks associated

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89 with the technology. Thermal incidents have been reported at battery energy
90 storage facilities in the United States and abroad.

91 I. The Washington Administrative Code created new requirements,
92 effective March 2024, intended to minimize the risk of damage to nearby
93 structures and properties. These requirements include a hazard mitigation
94 analysis that must demonstrate that thermal events will be contained for the
95 minimum duration of the required fire-resistance-rated separations, and will allow
96 occupants or the general public to evacuate to a safe location. They also include
97 large-scale fire testing conducted or witnessed and reported by an approved
98 testing laboratory, as well as numerous requirements that minimize the risk of
99 thermal runaway and associated secondary risks such as inhalation of smoke and
100 gases. The updated Washington Administrative Code standards also include
101 requirements regarding the size and location of battery energy storage systems
102 contained in residences.

103 J. It is important that the owners of battery energy storage systems using
104 certain technologies and configurations in close proximity to other structures and
105 properties carry financial responsibility for public liability and environmental
106 impacts to other persons or properties in the low likelihood of a safety event.

107 K. It is also important that battery energy storage system operators have
108 clear emergency response plans if a thermal event occurs. State law requires fire
109 safety and evacuation plans be in place before commissioning of a battery energy
110 storage system facility. Those plans and their execution protect the community,
111 the environment, and first responders if there is a thermal event at a facility. This

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112 ordinance further requires confirmation that the plans have been shared with the
113 local fire jurisdiction to ensure that there is close coordination between the
114 operator and first responders.

115 L. Additionally, it is important that battery energy storage system
116 operators have both a plan and financial capacity for decommissioning the system
117 and removing it from the site. State law requires that the decommissioning plan
118 take into account both decommissioning after the normal course of the system's
119 life, as well as decommissioning after a thermal event. Although state law
120 requires a decommissioning plan, it does not guarantee that the operator will have
121 the financial capacity to complete decommissioning and site cleanup. This
122 ordinance therefore requires applicants to carry and maintain financial
123 responsibility sufficient to complete the decommissioning of the battery energy
124 storage system, including removal of all equipment from the site, and completion
125 of any necessary cleanup. After removal from the site, the Washington
126 Administrative Code prescribes the waste disposal processes that must be
127 followed when disposing of the batteries.

128 M. In their "Battery Energy Storage Systems" article in the March 2024
129 edition of the American Planning Association's Zoning Practice magazine, Brian
130 Ross, AICP, and Monika Vadali, PhD, analyzed several zoning ordinances
131 addressing battery energy storage systems, and identified best practices. Pacific
132 Northwest National Laboratory also published a paper in October 2023, titled
133 "Energy Storage in Local Zoning Ordinances," which identified potential impacts
134 from battery energy storage systems and their implications for zoning standards.

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135 Taken together, this ordinance, existing county regulations, and state law address
136 all the best practices and potential impacts identified in those articles.

137 SECTION 2. Ordinance 10870, Section 43, as amended, and K.C.C. 21A.06.015
138 are each hereby amended as follows:

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

- 141 A. Administrative offices;
- 142 B. Employee exercise facilities;
- 143 C. Employee food service facilities;
- 144 D. Incidental storage of raw materials and finished products sold or manufactured
145 on-site;
- 146 E. Business owner or caretaker residence;
- 147 F. Cogeneration facilities;
- 148 G. Ground maintenance facilities; ~~((and))~~
- 149 H. Consumer-scale renewable energy systems; and
- 150 I. Battery energy storage systems meeting the requirements of K.C.C.
151 21A.08.060.B.41.

152 SECTION 3. Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020
153 are each hereby amended as follows:

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

- 156 A. Accessory living quarters and dwellings;
 - 157 B. Fallout or bomb shelters;
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- 158 C. Keeping household pets or operating a hobby cattery or hobby kennel;
- 159 D. On-site rental office;
- 160 E. Pools, private docks₂ or piers;
- 161 F. Antennae for private telecommunication services;
- 162 G. Storage of yard maintenance equipment;
- 163 H. Storage of private vehicles, such as motor vehicles, boats, trailers₂ or planes;
- 164 I. Greenhouses;
- 165 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas
- 166 required under K.C.C. 21A.14.190;
- 167 K. Home occupations and home industries under K.C.C. chapter 21A.30; ~~((and))~~
- 168 L. Consumer-scale renewable energy systems; and
- 169 M. Battery energy storage systems meeting the requirements of K.C.C.
- 170 21A.08.030.B.7.

171 SECTION 4. Ordinance 10870, Section 45, as amended, and K.C.C. 21A.06.025
172 are each hereby amended as follows:

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

- 175 A. Housing of agricultural workers;
- 176 B. Storage of agricultural products or equipment used on site; ~~((and))~~
- 177 C. Consumer-scale renewable energy systems; and
- 178 D. Battery energy storage systems meeting the requirements of K.C.C.
- 179 21A.08.090.B.

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180 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 21A.06
 181 a new section to read as follows:

182 Battery energy storage system: A system consisting of one or more rechargeable
 183 batteries assembled together, capable of storing energy in order to supply electrical
 184 energy at a future time. Such systems typically include battery chargers, controls, power
 185 conditioning systems, and associated electrical equipment, and are typically used to
 186 provide standby or emergency power, uninterruptable power supply, load shedding, load
 187 sharing, smoothing and dispatching of intermittent renewable energy sources, or similar
 188 capabilities.

189 SECTION 6. Ordinance 10870, Section 330, as amended, and K.C.C.
 190 21A.08.030 are each hereby amended as follows:

191 A. Residential 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	NB	CB	RB	O	I
SIC #	SPECIFIC LAND USE								-48					
	DWELLING UNITS, TYPES:													
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12		P15				
*	Townhouse				C4	C4	P11 C12	P		P3	P3	P3	P3	
*	Apartment				C4	C4	P5	P		P3	P3	P3	P3	

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

192

B. Development conditions.

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1. Except bed and breakfast guesthouses.

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

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195 a. Site disturbance associated with development of any new residence shall be
196 limited to three acres. Site disturbance shall mean all land alterations including, but not
197 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
198 disposal systems, and driveways. Additional site disturbance for agriculture, including
199 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
200 approved only if a farm management plan is prepared in accordance with K.C.C. chapter
201 21A.30. Animal densities shall be based on the area devoted to animal care and not the
202 total area of the lot;

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

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

208 3. Only as part of a mixed use development subject to the conditions of K.C.C.
209 chapter 21A.14, except that in the NB zone on properties with a land use designation of
210 commercial outside of center (CO) in the urban areas, stand-alone townhouse
211 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
212 21A.14.180.

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

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

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

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

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

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

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

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

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

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

232 (a) the lot must be three thousand two hundred square feet or greater if
233 located in the urban area or a rural town; or

234 (b) the lot must meet the minimum lot area for the applicable zone if located
235 in the rural area but not in a rural town, except that if one transferable development right
236 is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter
237 21A.37, a detached accessory dwelling unit is allowed on a RA-5 zoned lot that is two
238 and one-half acres or greater;

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239 (3) The accessory dwelling unit shall not exceed one thousand square feet of
240 heated floor area and one thousand square feet of unheated floor area except:

241 (a) when the accessory dwelling unit is wholly contained within a basement
242 or attic, this limitation does not apply;

243 (b) for detached accessory dwelling units, the floor area contained in a
244 basement does not count toward the floor area maximum; or

245 (c) on a site zoned RA if one transferable development right is purchased
246 from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the
247 accessory dwelling unit is permitted a maximum heated floor area of one thousand five
248 hundred square feet and one thousand five-hundred square feet of unheated floor area;

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

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

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

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

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261 permitted use or shall be removed if neither dwelling unit is occupied by the owner or an
262 immediate family member;

263 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
264 approved by the department of executive services, records and licensing services
265 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
266 The applicant shall submit proof that the notice was filed before the department approves
267 any permit for the construction of the accessory dwelling unit. The required contents and
268 form of the notice shall be set forth in administrative rules;

269 (9) Accessory dwelling units are not allowed in the F zone;

270 (10) Accessory dwelling units should be designed to be compatible with the
271 primary dwelling unit and the surrounding properties, including material, colors, and
272 building forms; and

273 (11) The applicant should consider a siting alternatives study that analyzes
274 placement options of the accessory dwelling unit on the property to minimize impacts to
275 privacy and views for surrounding property owners.

276 b. Accessory living quarters:

277 (1) are limited to one per lot;

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

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

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

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

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

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

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

290 d. Battery energy storage systems are considered a residential accessory use
291 when the total system capacity is two megawatts or less, and:

292 (1) the system provides electricity for on-site use only, with "on-site use"
293 including net metering as well as charging of vehicles on-site or in the right-of-way
294 immediately adjacent to the site; or

295 (2) the system is intended primarily for on-site use, but also participates in
296 load sharing or another grid-connected electricity-sharing arrangement.

297 e. Buildings for residential accessory uses in the RA and A zone shall not
298 exceed five thousand square feet of gross floor area, except for buildings related to
299 agriculture or forestry.

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

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

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

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

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

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

306 night.

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

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

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

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

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

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

319 15. Only in the R4-R8 zones subject to the following standards:

320 a. Developments shall contain only cottage housing units with no fewer than
321 three units. If the site contains an existing home that is not being demolished, the
322 existing house is not required to comply with the height limitation in K.C.C.

323 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B.;

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

326 c. Before filing an application with the department, the applicant shall hold a
327 community meeting in accordance with K.C.C. 20.20.035.

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

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- 330 a. The lot must have legally existed before March 1, 2005;
- 331 b. The lot has a Comprehensive Plan land use designation of Rural
- 332 Neighborhood Commercial Center or Rural Area; and
- 333 c. The standards of this title for the RA-5 zone shall apply.
- 334 17. Only in the R-1 zone as an accessory to a golf facility and consistent with
- 335 K.C.C. 21A.08.040.
- 336 18. Allowed if consistent with K.C.C. chapter 21A.30.
- 337 SECTION 7. Ordinance 10870, Section 333, as amended, and K.C.C.
- 338 21A.08.060 are each hereby amended as follows:
- 339 A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RU	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	C6	C6	C6	P	P	P	P	P

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					33								
*	Utility Facility	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P29 C2 8 and 33	P29 C28	P29 C2 8	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)												
*	Log Storage (38)		P		P26 and 33								P

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47	Transportation Service												P39
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service								P	P	P		
48	Communication Offices									P	P	P	
482	Telegraph and other Communications								P	P	P	P	
*	General Business Service							P	P	P	P		P16
*	Professional Office							P	P	P	P		P16
7312	Outdoor Advertising Service									P	P17	P	
735	Miscellaneous Equipment Rental								P17	P	P17	P	
751	Automotive Rental and Leasing								P	P			P
752	Automotive Parking							P20a	P20b	P21	P20 a	P	
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			<u>P4</u> <u>1</u>	P22 <u>P41</u>				P22 <u>P41</u>	P22 <u>P41</u>	<u>P41</u>	<u>P41</u>	<u>P41</u>

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*	Helistop				40	C23	C2 33	C23	C23	C23	C24	C23	C24
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- 340 B. Development conditions.
- 341 1. Except self-service storage.
- 342 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 343 Educational Research, see general business service/office.
- 344 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 345 subject to K.C.C. chapter 21A.32; or
- 346 b. only when accessory to a fire facility and the office is no greater than one
- 347 thousand five hundred square feet of floor area.
- 348 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 349 21A.32.
- 350 5. New utility office locations only if there is no commercial/industrial zoning
- 351 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 352 no feasible alternative location is possible, and provided further that this condition
- 353 applies to the UR zone only if the property is located within a designated unincorporated
- 354 Rural Town.
- 355 6.a. All buildings and structures shall maintain a minimum distance of twenty
- 356 feet from property lines adjoining rural area and residential zones;
- 357 b. Any buildings from which fire-fighting equipment emerges onto a street
- 358 shall maintain a distance of thirty-five feet from such street;
- 359 c. No outdoor storage; and

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360 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
361 feasible alternative location is possible.

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

363 a. holding cells;

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

365 c. long-term storage of stolen properties.

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

371 9. No outdoor storage of materials.

372 10. Limited to office uses.

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

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

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

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

379 a. The gross floor area in self service storage shall not exceed the total gross
380 floor area of the apartment dwellings on the site;

381 b. All outdoor lights shall be deflected, shaded, and focused away from all
382 adjoining property;

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

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

385 similar equipment;

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

387 explosive materials, or hazardous chemicals;

388 f. No residential occupancy of the storage units;

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

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

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

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

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

394 15. Repealed.

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

396 17. No outdoor storage.

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

398 station.

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

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

401 other permitted nonresidential uses that have excess capacity available during

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

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

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

405 and

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

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

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

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

411 21. No dismantling or salvage of damaged, abandoned, or otherwise impounded
412 vehicles.

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

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

418 24. Allowed as accessory to an allowed use.

419 25. Limited to private road ambulance services with no outside storage of
420 vehicles.

421 26. Limited to two acres or less.

422 27a. Utility yards only on sites with utility district offices; or

423 b. Public agency yards are limited to material storage for road maintenance
424 facilities.

425 28. Limited to local distribution gas storage tanks that pipe to individual
426 residences but excluding liquefied natural gas storage tanks.

427 29. Excluding local distribution gas storage tanks.

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

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

434 32. Provided:

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

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

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

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

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

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

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

453 36. Repealed.

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

457 38. If the farm product warehousing, refrigeration and storage, or log storage, is
458 associated with agriculture activities it will be reviewed in accordance with K.C.C.
459 21A.08.090.

460 39. Excluding fossil fuel facilities.

461 40. Helistops are not allowed in the RA zone as an accessory to a government or
462 business services use, but may be allowed in that zone as part of a search and rescue
463 facility, subject to K.C.C. 21A.08.100.B.30.

464 41. Battery energy storage systems are considered a commercial/industrial
465 accessory use when the total system capacity is two megawatts or less, and:

466 a. the system provides electricity for on-site use only, with "on-site use"
467 including net metering as well as charging of vehicles on-site or in the right-of-way
468 immediately adjacent to the site; or

469 b. the system is intended primarily for on-site use, but also participates in load
470 sharing or another grid-connected electricity-sharing arrangement.

471 SECTION 8. Ordinance 10870, Section 335, as amended, and K.C.C.

472 21A.08.080 are hereby amended to read as follows:

473 A. Manufacturing land uses.

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P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	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
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

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30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products								P6	P9			P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment										C	C	P
36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

474

B. Development conditions.

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- 475 1. Repealed.
- 476 2. Except slaughterhouses.
- 477 3.a. In the A zone, only allowed on sites where the primary use is SIC Industry
- 478 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
- 479 Animals;
- 480 b. Only allowed on lots of at least two and one-half acres, except that this
- 481 requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery
- 482 business locations in use and licensed to produce by the Washington state Liquor and
- 483 Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a
- 484 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots
- 485 of at least two acres;
- 486 c. The aggregated floor area of structures and areas for winery, brewery,
- 487 distillery facility uses shall not exceed three thousand five hundred square feet, unless
- 488 located in whole or in part in a structure designated as historic resource under K.C.C.
- 489 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
- 490 winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the
- 491 RA zone and five thousand square feet in the A zone. Decks that are not occupied and
- 492 not open to the public are excluded from the calculation for maximum aggregated floor
- 493 area;
- 494 d. Structures and parking areas for winery, brewery, distillery facility uses
- 495 shall maintain a minimum distance of seventy-five feet from interior property lines
- 496 adjoining rural area and residential zones, unless located in a building designated as
- 497 historic resource under K.C.C. chapter 20.62, except that on Vashon-Maury Island this

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498 setback requirement shall not apply to structures and parking areas in use on December 4,
499 2019, by existing winery, brewery or distillery business locations licensed to produce by
500 the Washington state Liquor and Cannabis Board before January 1, 2019;

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

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

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

515 h. Tasting and retail sales of products produced on-site may occur only as
516 accessory to the primary winery, brewery, distillery production use and may be provided
517 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
518 limited to no more than thirty percent of the aggregated floor area and shall be included
519 in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation
520 on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury

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521 Island to winery, brewery, or distillery business locations in use and licensed to produce
522 by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites
523 in the RA zone that contain a building designated as historic resource under K.C.C.
524 chapter 20.62. Incidental retail sales of merchandise related to the products produced on-
525 site is allowed subject to the restrictions described in this subsection B.3. Hours of
526 operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
527 Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through
528 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to
529 11:00 a.m. through 9:00 p.m.;

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

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

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

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

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

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

546 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
547 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
548 minimum site area is four and one-half acres.

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

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

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

553 9. Only within enclosed buildings.

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

555 11. For I-zoned sites located outside the urban growth area designated by the
556 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
557 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
558 rural industrial uses as set forth in K.C.C. chapter 21A.12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

611 and

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

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

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

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

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

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

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

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

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

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634 17.a. The aggregated floor area of structures and areas for winery, brewery,
635 distillery facility uses shall not exceed three thousand five hundred square feet, unless
636 located in whole or in part in a structure designated as historic resource under K.C.C.
637 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
638 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
639 that are not occupied and not open to the public are excluded from the calculation for
640 maximum aggregated floor area;

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

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

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

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

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

655 18. Limited to:

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

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657 Millwork, as follows:

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

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

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

664 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
665 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

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

671 b. SIC Industry No. 2411-Logging.

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

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

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

676 c. With a lighting plan, only if required by K.C.C. 21A.12.220.~~(G-)~~H.;

677 d. Only with documentation that the operator has applied for a Puget Sound
678 Clean Air Agency Notice of Construction Permit. All department permits issued to either
679 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

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

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

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

685 b. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.;

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

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

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

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

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

702 c. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.; and

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

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

709 b. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.;

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

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

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

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

723 b. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.;

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

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

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

732 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.;

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

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

741 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.;

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

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

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749 any separately authorized production of marijuana.

750 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
751 Island, that do not require a conditional use permit issued by King County, that receive a
752 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
753 and that King County did not object to within the Washington state Liquor and Cannabis
754 Board marijuana license application process, shall be considered nonconforming as to
755 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
756 21A.32.075 for nonconforming uses;

757 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.~~((G-))~~H;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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795 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
796 that are not occupied and not open to the public are excluded from the calculation for
797 maximum aggregated floor area;

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

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

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

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

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

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- 818 h. Events may be allowed with an approved temporary use permit under
819 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;
- 820 i. At least two stages of production of wine, beer, cider or distilled spirits, such
821 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
822 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
823 least one of the stages of production occurring on-site shall include crushing, fermenting
824 or distilling; and
- 825 j. The impervious surface associated with the winery, brewery, distillery
826 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
827 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
828 whichever is less.
- 829 31.a. Limited to businesses with non-retail brewery and distillery production
830 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
831 tasting rooms for wineries shall not be allowed;
- 832 b. Tasting and retail sale of products produced on-site and merchandise related
833 to the products produced on-site may be provided in accordance with state law. The area
834 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred
835 square feet;
- 836 c. Structures and parking areas for brewery and distillery facility uses shall
837 maintain a minimum distance of seventy-five feet from interior property lines adjoining
838 rural area and residential zones, unless located in a building designated as historic
839 resource under K.C.C. chapter 20.62;
- 840 d. For brewery and distillery facility uses that do not require a conditional use

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841 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
842 one space per fifty square feet of tasting and retail areas. For brewery and distillery
843 facility uses that do require a conditional use permit, off-street parking maximums shall
844 be determined through the conditional use permit process, and off-street parking for the
845 tasting and retail areas should be limited to a maximum of one space per fifty square feet
846 of tasting and retail areas;

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

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

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

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

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

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

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

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864 least one of the stages of production occurring on-site shall include crushing, fermenting
 865 or distilling;

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

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

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

872 SECTION 9. Ordinance 10870, Section 336, as amended, and K.C.C.

873 21A.08.090 are each hereby amended as follows:

874 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	R1 2- 48	NB	CB	RB	O
SIC#	SPECIFIC LAND USE												
12	Coal Mining												
13	Oil and Gas Extraction												
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock	P	P		P	P							P

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	and Small Animals (6)											
*	Agricultural Activities	P2 4C	P2 4C		P24 C	P24 C						
*	Agricultural Support Services	P2 5C	P2 5C		P26 C	P26 C	P2 6C		P27 C28	P27 C28		
*	Marijuana producer	P1 5 C2 2			P16 C17					P18 C19	P18 C19	P20 C2 1
*	Agriculture Training Facility	C1 0										
*	Agriculture-related special needs camp	P1 2										
*	Agricultural Anaerobic Digester	P1 3										
	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		P9	P								

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	and Processing		C	C1 1								
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1								P
	ACCESSORY USES:											
*	Resource Accessory Uses	P3 P2 3 <u>P2</u> <u>2</u>	P4 <u>P2</u> <u>2</u>	P5 <u>P2</u> <u>2</u>	P3 <u>P29</u>	P3 <u>P29</u>						P4 <u>P29</u>
*	Farm Worker Housing	P1 4			P14							

875

B. Development conditions.

876

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

877

2. Only forest research conducted within an enclosed building.

878

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

879

4. Excluding housing for agricultural workers.

880

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

881

with mineral extraction or processing operation.

882

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

883

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

884

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

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

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

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

891 c. for a public works project under a temporary grading permit issued in
892 accordance with K.C.C. 16.82.152.

893 9. Limited to mineral extraction and processing:

894 a. on a lot or group of lots under common ownership or documented legal control,
895 which includes but is not limited to, fee simple ownership, a long-term lease or an
896 easement;

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

898 and

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

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

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

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

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

910 d. The director may require the clustering of new structures with existing
911 structures;

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

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

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

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

920 i. Agriculture training facilities may be used to provide educational services to
921 the surrounding rural/agricultural community or for community events. Property owners
922 may be required to obtain a temporary use permit for community events in accordance
923 with K.C.C. chapter 21A.32;

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

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

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

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

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

937 (1) passive recreation;

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

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

940 (4) agriculture education for youth.

941 b. Outside the camp center, as provided for in subsection B.12.e. of this
942 section, camp activities shall not preclude the use of the site for agriculture and
943 agricultural related activities, such as the processing of local food to create value-added
944 products and the refrigeration and storage of local agricultural products. The camp shall
945 be managed to coexist with agriculture and agricultural activities both onsite and in the
946 surrounding area.

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

949 d.(1) The minimum site area shall be five hundred acres. Unless the property
950 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
951 of this section, a minimum of five hundred acres of the site must be owned by a single

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952 individual, corporation, partnership, or other legal entity and must remain under the
 953 ownership of a single individual, corporation, partnership, or other legal entity for the
 954 duration of the operation of the camp.

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

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

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

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

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

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

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

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

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

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

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

988 o. The total number of persons staying overnight shall not exceed three
989 hundred;

990 p. The length of stay for any individual overnight camper, not including camp
991 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

992 q. Traffic generated by camp activities shall not impede the safe and efficient
993 movement of agricultural vehicles nor shall it require capacity improvements to rural
994 roads;

995 r. If the site is adjacent to an arterial roadway, access to the site shall be
996 directly onto the arterial unless the county road engineer determines that direct access is
997 unsafe;

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998 s. If direct access to the site is via local access streets, transportation
999 management measures shall be used to minimize adverse traffic impacts;

1000 t. Camp recreational activities shall not involve the use of motor vehicles
1001 unless the motor vehicles are part of an agricultural activity or are being used for the
1002 transportation of campers, camp personnel, or the families of campers. Camp personnel
1003 may use motor vehicles for the operation and maintenance of the facility. Client-specific
1004 motorized personal mobility devices are allowed; and

1005 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
1006 light away from any adjacent property.

1007 13. Limited to digester receiving plant and animal and other organic waste from
1008 agricultural activities, and including electrical generation, as follows:

1009 a. the digester must be included as part of a Washington state Department of
1010 Agriculture approved dairy nutrient plan;

1011 b. the digester must process at least seventy percent livestock manure or other
1012 agricultural organic material from farms in the vicinity, by volume;

1013 c. imported organic waste-derived material, such as food processing waste,
1014 may be processed in the digester for the purpose of increasing methane gas production for
1015 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
1016 and

1017 d. the use must be accessory to an operating dairy or livestock operation.

1018 14. Farm worker housing. Either:

1019 a. Temporary farm worker housing subject to the following conditions:

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1020 (1) The housing must be licensed by the Washington state Department of
1021 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1022 (2) Water supply and sewage disposal systems must be approved by the
1023 Seattle King County department of health;

1024 (3) To the maximum extent practical, the housing should be located on
1025 nonfarmable areas that are already disturbed and should not be located in the floodplain
1026 or in a critical area or critical area buffer; and

1027 (4) The property owner shall file with the department of executive services,
1028 records and licensing services division, a notice approved by the department identifying
1029 the housing as temporary farm worker housing and that the housing shall be occupied
1030 only by agricultural employees and their families while employed by the owner or
1031 operator or on a nearby farm. The notice shall run with the land; or

1032 b. Housing for agricultural employees who are employed by the owner or
1033 operator of the farm year-round as follows:

1034 (1) Not more than:

1035 (a) one agricultural employee dwelling unit on a site less than twenty acres;

1036 (b) two agricultural employee dwelling units on a site of at least twenty
1037 acres and less than fifty acres;

1038 (c) three agricultural employee dwelling units on a site of at least fifty acres
1039 and less than one-hundred acres; and

1040 (d) four agricultural employee dwelling units on a site of at least one-
1041 hundred acres, and one additional agricultural employee dwelling unit for each additional
1042 one hundred acres thereafter;

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1043 (2) If the primary use of the site changes to a nonagricultural use, all
1044 agricultural employee dwelling units shall be removed;

1045 (3) The applicant shall file with the department of executive services, records
1046 and licensing services division, a notice approved by the department that identifies the
1047 agricultural employee dwelling units as accessory and that the dwelling units shall only
1048 be occupied by agricultural employees who are employed by the owner or operator year-
1049 round. The notice shall run with the land. The applicant shall submit to the department
1050 proof that the notice was filed with the department of executive services, records and
1051 licensing services division, before the department approves any permit for the
1052 construction of agricultural employee dwelling units;

1053 (4) An agricultural employee dwelling unit shall not exceed a floor area of
1054 one thousand square feet and may be occupied by no more than eight unrelated
1055 agricultural employees;

1056 (5) To the maximum extent practical, the housing should be located on
1057 nonfarmable areas that are already disturbed;

1058 (6) One off-street parking space shall be provided for each agricultural
1059 employee dwelling unit; and

1060 (7) The agricultural employee dwelling units shall be constructed in
1061 compliance with K.C.C. Title 16.

1062 15. Marijuana production by marijuana producers licensed by the Washington
1063 state Liquor and Cannabis Board is subject to the following standards:

1064 a. Only allowed on lots of at least four and one-half acres;

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- 1065 b. With a lighting plan, only if required by and that complies with K.C.C.
1066 21A.12.220.~~(G)~~H;
- 1067 c. Only with documentation that the operator has applied for a Puget Sound
1068 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1069 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1070 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1071 are imported onto the site;
- 1072 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1073 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1074 subject to the size limitations in subsection B.15.e. of this section;
- 1075 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1076 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1077 aggregated total of two thousand square feet and shall be located within a fenced area or
1078 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1079 may occur in nondwelling unit structures that exist as of October 1, 2013;
- 1080 f. Outdoor production area fencing as required by the Washington state Liquor
1081 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1082 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
1083 feet; and
- 1084 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
1085 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
1086 marijuana-related entity occupying space in addition to the two-thousand-square-foot

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1087 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
1088 B.22. of this section.

1089 16. Marijuana production by marijuana producers licensed by the Washington
1090 state Liquor and Cannabis Board is subject to the following standards:

1091 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
1092 that do not require a conditional use permit issued by King County, that receive a
1093 Washington state Liquor and Cannabis Board license business before October 1, 2016,
1094 and that King County did not object to within the Washington state Liquor and Cannabis
1095 Board marijuana license application process, shall be considered nonconforming as to
1096 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020
1097 through 21A.32.075 for nonconforming uses;

1098 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
1099 21A.12.220.~~((G-))~~H;

1100 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1101 Island;

1102 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1103 except on Vashon-Maury Island;

1104 e. Only with documentation that the operator has applied for a Puget Sound
1105 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1106 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1107 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1108 are imported onto the site;

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1109 f. Production is limited to outdoor, indoor within marijuana greenhouses, and within
1110 nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations
1111 in subsection B.16.g. of this section; and

1112 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1113 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1114 aggregated total of two thousand square feet and shall be located within a fenced area or
1115 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
1116 may occur in nondwelling unit structures that exist as of October 1, 2013;

1117 h. Outdoor production area fencing as required by the Washington state Liquor
1118 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
1119 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
1120 of one hundred fifty feet from any existing residence; and

1121 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
1122 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
1123 entity occupying space in addition to the two-thousand-square-foot threshold area on that
1124 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1125 17. Marijuana production by marijuana producers licensed by the Washington
1126 state Liquor and Cannabis Board is subject to the following standards:

1127 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1128 Island;

1129 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1130 except on Vashon-Maury Island;

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1131 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
1132 21A.12.220.~~((G-))~~H;

1133 d. Only with documentation that the operator has applied for a Puget Sound
1134 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1135 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1136 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1137 are imported onto the site;

1138 e. Production is limited to outdoor and indoor within marijuana greenhouses subject to
1139 the size limitations in subsection B.17.f. of this section;

1140 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1141 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1142 aggregated total of thirty thousand square feet and shall be located within a fenced area or
1143 marijuana greenhouse that is no more than ten percent larger than that combined area;
1144 and

1145 g. Outdoor production area fencing as required by the Washington state Liquor
1146 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
1147 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
1148 of one hundred fifty feet from any existing residence.

1149 18.a. Production is limited to indoor only;

1150 b. With a lighting plan only as required by and that complies with K.C.C.
1151 21A.12.220.~~((G-))~~H;

1152 c. Only with documentation that the operator has applied for a Puget Sound
1153 Clean Air Agency Notice of Construction Permit. All department permits issued to either

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1154 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1155 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1156 are imported onto the site; and

1157 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1158 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1159 aggregated total of two thousand square feet and shall be located within a building or
1160 tenant space that is no more than ten percent larger than the plant canopy and separately
1161 authorized processing area; and

1162 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1163 every marijuana-related entity occupying space in addition to the two-thousand-square
1164 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1165 subsection B.19. of this section.

1166 19.a. Production is limited to indoor only;

1167 b. With a lighting plan only as required by and that complies with K.C.C.
1168 21A.12.220.~~(G.)~~H.;

1169 c. Only with documentation that the operator has applied for a Puget Sound
1170 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1171 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1172 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1173 are imported onto the site; and

1174 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1175 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1176 aggregated total of thirty thousand square feet and shall be located within a building or

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1177 tenant space that is no more than ten percent larger than the plant canopy and separately
1178 authorized processing area.

1179 20.a. Production is limited to indoor only;

1180 b. With a lighting plan only as required by and that complies with K.C.C.

1181 21A.12.220.~~((G-))~~H;

1182 c. Only with documentation that the operator has applied for a Puget Sound
1183 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1184 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1185 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1186 are imported onto the site;

1187 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1188 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1189 aggregated total of two thousand square feet and shall be located within a building or
1190 tenant space that is no more than ten percent larger than the plant canopy and separately
1191 authorized processing area; and

1192 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1193 every marijuana-related entity occupying space in addition to the two-thousand-square-
1194 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1195 subsection B.21. of this section.

1196 21.a. Production is limited to indoor only;

1197 b. With a lighting plan only as required by and that complies with K.C.C.

1198 21A.12.220.~~((G-))~~H;

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1199 c. Only with documentation that the operator has applied for a Puget Sound
1200 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1201 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1202 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1203 are imported onto the site; and

1204 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1205 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1206 aggregated total of thirty thousand square feet and shall be located within a building or
1207 tenant space that is no more than ten percent larger than the plant canopy and separately
1208 authorized processing area.

1209 22. Marijuana production by marijuana producers licensed by the Washington
1210 state Liquor and Cannabis Board is subject to the following standards:

1211 a. With a lighting plan only as required by and that complies with K.C.C.
1212 21A.12.220.~~(G.)~~H.;

1213 b. Only allowed on lots of at least four and one-half acres;

1214 c. Only with documentation that the operator has applied for a Puget Sound
1215 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1216 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1217 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1218 are imported onto the site;

1219 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1220 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1221 subject to the size limitations in subsection B.22. e. and f. of this section;

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1222 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC
1223 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall
1224 be limited to a maximum aggregated total of five thousand square feet and shall be
1225 located within a fenced area or marijuana greenhouse that is no more than ten percent
1226 larger than that combined area, or may occur in nondwelling unit structures that exist as
1227 of October 1, 2013;

1228 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
1229 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
1230 limited to a maximum aggregated total of ten thousand square feet, and shall be located
1231 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
1232 that combined area, or may occur in nondwelling unit structures that exist as of October
1233 1, 2013; and

1234 g. Outdoor production area fencing as required by the Washington state Liquor
1235 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1236 maintain a minimum street setback of fifty feet and a minimum interior setback of one
1237 hundred feet, and a minimum setback of one hundred fifty feet from any existing
1238 residence.

1239 23. The storage and processing of non-manufactured source separated organic
1240 waste that originates from agricultural operations and that does not originate from the
1241 site, if:

1242 a. agricultural is the primary use of the site;

1243 b. the storage and processing are in accordance with best management
1244 practices included in an approved farm plan; and

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1245 c. except for areas used for manure storage, the areas used for storage and
1246 processing do not exceed three acres and ten percent of the site.

1247 24.a. For activities relating to the processing of crops or livestock for
1248 commercial purposes, including associated activities such as warehousing, storage,
1249 including refrigeration, and other similar activities and excluding winery, brewery,
1250 distillery facility I, II, III and remote tasting room:

1251 (1) limited to agricultural products and sixty percent or more of the products
1252 processed must be grown in the Puget Sound counties. At the time of initial application,
1253 the applicant shall submit a projection of the source of products to be produced;

1254 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1255 half acres;

1256 (3)(a) as a permitted use, the floor area devoted to all processing shall not
1257 exceed two thousand square feet, unless located in a building designated as an historic
1258 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
1259 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
1260 floor area as follows: up to three thousand five hundred square feet of floor area may be
1261 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
1262 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in
1263 the A zone; and

1264 (b) as a permitted use, the floor area devoted to all warehousing,
1265 refrigeration, storage, or other similar activities shall not exceed two thousand square
1266 feet, unless located in a building designated as historic resource under K.C.C. chapter
1267 20.62. The agricultural technical review committee, as established in K.C.C.

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1268 21A.42.300, may review and approve an increase of up to three thousand five hundred
1269 square feet of floor area devoted to all warehouseing, storage, including refrigeration, or
1270 other similar activities in the RA zones, or on farms less than thirty-five acres located in
1271 the A zones, or up to seven thousand square feet on farms greater than thirty-five acres in
1272 the A zone;

1273 (4) in the A zone, structures and areas used for processing, warehousing,
1274 ~~((refrigeration))~~ refrigeration, storage, and other similar activities shall be located on
1275 portions of agricultural lands that are unsuitable for other agricultural purposes, such as
1276 areas within the already developed portion of such agricultural lands that are not
1277 available for direct agricultural production, or areas without prime agricultural soils; and

1278 (5) structures and areas used for processing, warehousing, storage, including
1279 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
1280 five feet from property lines adjoining rural area and residential zones, unless located in a
1281 building designated as historic resource under K.C.C. chapter 20.62.

1282 b. For activities relating to the retail sale of agricultural products, except
1283 livestock:

1284 (1) sales shall be limited to agricultural products and locally made arts and
1285 crafts;

1286 (2) in the RA and UR zones, only allowed on sites at least four and one-half
1287 acres;

1288 (3) as a permitted use, the covered sales area shall not exceed two thousand
1289 square feet, unless located in a building designated as a historic resource under K.C.C.
1290 chapter 20.62. The agricultural technical review committee, as established in K.C.C.

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1291 21A.42.300, may review and approve an increase of up to three thousand five hundred
1292 square feet of covered sales area;

1293 (4) forty percent or more of the gross sales of agricultural product sold
1294 through the store must be sold by the producers of primary agricultural products;

1295 (5) sixty percent or more of the gross sales of agricultural products sold
1296 through the store shall be derived from products grown or produced in the Puget Sound
1297 counties. At the time of the initial application, the applicant shall submit a reasonable
1298 projection of the source of product sales;

1299 (6) tasting of products, in accordance with applicable health regulations, is
1300 allowed;

1301 (7) storage areas for agricultural products may be included in a farm store
1302 structure or in any accessory building; and

1303 (8) outside lighting is permitted if there is no off-site glare.

1304 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1305 d. Farm operations, including equipment repair and related facilities, except
1306 that:

1307 (1) the repair of tools and machinery is limited to those necessary for the
1308 operation of a farm or forest;

1309 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1310 half acres;

1311 (3) the size of the total repair use is limited to one percent of the farm size in
1312 the A zone, and up to one percent of the size in other zones, up to a maximum of five

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1313 thousand square feet unless located within an existing farm structure, including but not
1314 limited to barns, existing as of December 31, 2003; and

1315 (4) Equipment repair shall not be permitted in the Forest zone.

1316 e. The agricultural technical review committee, as established in K.C.C.
1317 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
1318 residential zones and minimum setbacks from rural and residential zones.

1319 25. The department may review and approve establishment of agricultural
1320 support services in accordance with the code compliance review process in K.C.C.

1321 21A.42.300 only if:

1322 a. project is sited on lands that are unsuitable for direct agricultural production
1323 based on size, soil conditions, or other factors and cannot be returned to productivity by
1324 drainage maintenance; and

1325 b. the proposed use is allowed under any Farmland Preservation Program
1326 conservation easement and zoning development standards.

1327 26. The agricultural technical review committee, as established in K.C.C.
1328 21A.42.300, may review and approve establishment of agricultural support services only
1329 if the project site:

1330 a. adjoins or is within six hundred sixty feet of the agricultural production
1331 district;

1332 b. has direct vehicular access to the agricultural production district;

1333 c. except for farmworker housing, does not use local access streets that abut
1334 lots developed for residential use; and

1335 b. has a minimum lot size of four and one-half acres.

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1336 27. The agricultural technical review committee, as established in K.C.C.
 1337 21A.42.300, may review and approve establishment of agricultural support services only
 1338 if the project site:
 1339 a. is outside the urban growth area,
 1340 b. adjoins or is within six hundred sixty feet of the agricultural production
 1341 district,
 1342 c. has direct vehicular access to the agricultural production district,
 1343 d. except for farmworker housing, does not use local access streets that abut
 1344 lots developed for residential use; and
 1345 e. has a minimum lot size of four and one-half acres.

1346 28. Only allowed on properties that are outside the urban growth area.

1347 29. Battery energy storage systems are considered a resource accessory use
 1348 when the total system capacity is two megawatts or less, and:

1349 (1) the system provides electricity for on-site use only, with "on-site use"
 1350 including net metering as well as charging of vehicles on-site or in the right-of-way
 1351 immediately adjacent to the site; or

1352 (2) the system is intended primarily for on-site use, but also participates in
 1353 load sharing or another grid-connected electricity-sharing arrangement.

1354 SECTION 10. Ordinance 10870, Section 337, as amended, and K.C.C.

1355 21A.08.100 are each hereby amended as follows:

1356 A. Regional land uses.

P-Permitted Use	RESOURCE	R	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
C-Conditional Use		U		

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S-Special Use					R A L								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
((≠))	((Search and Rescue Facility))				((€ 30 S30)								
*	Non((-)hydroelectric Generation Facility	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	P12 S29
*	Renewable Energy Generation Facility	C28	C28	C	C	C	C	C	C	C	C	C	C
*	Fossil Fuel Facility												S27
_	<u>Battery Energy Storage System (30)</u>		<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P

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*	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
* -	<u>Search and Rescue Facility</u>				<u>C31</u> <u>S31</u>								
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance Facility				C23								P
*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort Facility				P26		P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds				P21								

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	Facility				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								

1357

B. Development conditions.

1358

1. Except technical institutions. See vocational schools on general services land

1359

use table, K.C.C. 21A.08.050.

1360

2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

1361

3. Except weapons armories and outdoor shooting ranges.

1362

4. Except outdoor shooting range.

1363

5. Only in conjunction with an existing or proposed school.

1364

6.a. Limited to no more than three satellite dish antennae.

1365

b. Limited to one satellite dish antenna.

1366

c. Limited to tower consolidations.

1367

7. Limited to landing field for aircraft involved in forestry or agricultural

1368

practices or for emergency landing sites.

1369

8. Except racing of motorized vehicles.

1370

9. Limited to wildlife exhibit.

1371

10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

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1372 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
1373 21A.32.

1374 12. Limited to gas extraction as an accessory use to a waste management
1375 process, such as wastewater treatment, landfill waste management, livestock manure and
1376 composting processes.

1377 13. Excluding impoundment of water using a dam.

1378 14. Limited to facilities that comply with the following:

1379 a. Any new diversion structure shall not:

1380 (1) exceed a height of eight feet as measured from the streambed; or

1381 (2) impound more than three surface acres of water at the normal maximum
1382 surface level;

1383 b. There shall be no active storage;

1384 c. The maximum water surface area at any existing dam or diversion shall not
1385 be increased;

1386 d. An exceedance flow of no greater than fifty percent in mainstream reach
1387 shall be maintained;

1388 e. Any transmission line shall be limited to a:

1389 (1) right-of-way of five miles or less; and

1390 (2) capacity of two hundred thirty KV or less;

1391 f. Any new, permanent access road shall be limited to five miles or less; and

1392 g. The facility shall only be located above any portion of the stream used by
1393 anadromous fish.

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1394 15. For I-zoned sites located outside the urban growth area designated by the
1395 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
1396 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
1397 prohibited. All other uses, including waste water treatment facilities, shall be subject to
1398 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

1399 16. The operator of such a facility shall provide verification to the department of
1400 natural resources and parks or its successor organization that the facility meets or exceeds
1401 the standards of the Animal and Plant Health Inspection Service of the United States
1402 Department of Agriculture and the accreditation guidelines of the American Zoo and
1403 Aquarium Association.

1404 17. The following provisions of the table apply only to major communication
1405 facilities. Minor communication facilities shall be reviewed in accordance with the
1406 processes and standard outlined in K.C.C. chapter 21A.27.

1407 18. Only for facilities related to resource-based research.

1408 19. Limited to work release facilities associated with natural resource-based
1409 activities.

1410 20. Limited to projects which do not require or result in an expansion of sewer
1411 service outside the urban growth area, unless a finding is made that no cost-effective
1412 alternative technologies are feasible, in which case a tightline sewer sized only to meet
1413 the needs of the school bus base and serving only the school bus base may be used.
1414 Renovation, expansion, modernization, or reconstruction of a school bus base is
1415 permitted but shall not require or result in an expansion of sewer service outside the
1416 urban growth area, unless a finding is made that no cost-effective alternative technologies

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1417 are feasible, in which case a tightline sewer sized only to meet the needs of the school bus
1418 base.

1419 21. Only in conformance with the King County Site Development Plan Report,
1420 through modifications to the plan of up to ten percent are allowed for the following:

- 1421 a. building square footage;
- 1422 b. landscaping;
- 1423 c. parking;
- 1424 d. building height; or
- 1425 e. impervious surface.

1426 22. A special use permit shall be required for any modification or expansion of
1427 the King County fairgrounds facility that is not in conformance with the King County
1428 Site Development Plan Report or that exceeds the allowed modifications to the plan
1429 identified in subsection B.21. of this section.

1430 23. The facility shall be primarily devoted to rural public infrastructure
1431 maintenance and is subject to the following conditions:

- 1432 a. The minimum site area shall be ten acres, unless:
 - 1433 (1) the facility is a reuse of a public agency yard; or
 - 1434 (2) the site is separated from a county park by a street or utility right-of-way;
- 1435 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
1436 between any stockpiling or grinding operations and adjacent residential zoned property;
- 1437 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
1438 between any office and parking lots and adjacent residential zoned property;

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1439 d. Access to the site does not use local access streets that abut residential zoned
1440 property, unless the facility is a reuse of a public agency yard;

1441 e. Structural setbacks from property lines shall be as follows:

1442 (1) Buildings, structures, and stockpiles used in the processing of materials
1443 shall be no closer than:

1444 (a) one hundred feet from any residential zoned properties, except that the
1445 setback may be reduced to fifty feet when the grade where the building or structures are
1446 proposed is fifty feet or greater below the grade of the residential zoned property;

1447 (b) fifty feet from any other zoned property, except when adjacent to a
1448 mineral extraction or materials processing site;

1449 (c) the greater of fifty feet from the edge of any public street or the setback
1450 from residential zoned property on the far side of the street; and

1451 (2) Offices, scale facilities, equipment storage buildings, and stockpiles shall
1452 not be closer than fifty feet from any property line except when adjacent to M or F zoned
1453 property or when a reuse of an existing building. Facilities necessary to control access to
1454 the site, when demonstrated to have no practical alternative, may be located closer to the
1455 property line;

1456 f. On-site clearing, grading or excavation, excluding that necessary for
1457 required access, roadway, or storm drainage facility construction, shall not be permitted
1458 within fifty feet of any property line except along any portion of the perimeter adjacent to
1459 M or F zoned property. If native vegetation is restored, temporary disturbance resulting
1460 from construction of noise attenuation features located closer than fifty feet shall be
1461 permitted; and

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1462 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

1463 24. The following accessory uses to a motor race track operation are allowed if

1464 approved as part of the special use permit:

1465 a. motocross;

1466 b. autocross;

1467 c. skidpad;

1468 d. garage;

1469 e. driving school; and

1470 f. fire station.

1471 25. Regional transit authority facilities shall be exempt from setback and height

1472 requirements.

1473 26. Transit comfort facility shall:

1474 a. only be located outside of the urban growth area boundary;

1475 b. be exempt from street setback requirements; and

1476 c. be no more than 200 square feet in size.

1477 27.a. Required for all new, modified, or expanded fossil fuel facilities.

1478 Modification or expansion includes, but is not limited to:

1479 (1) new uses or fuel types within existing facilities;

1480 (2) changes to the type of refining, manufacturing, or processing;

1481 (3) changes in the methods or volumes of storage or transport of raw

1482 materials or processed products;

1483 (4) changes in the location of the facilities on-site;

1484 (5) replacement of existing facilities;

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1485 (6) increases in power or water demands; or

1486 (7) increases in production capacity.

1487 b. Before filing an application with the department, the applicant shall hold a
1488 community meeting in accordance with K.C.C. 20.20.035.

1489 c. As part of permit application submittal for new, modified, or expanded fossil
1490 fuel facilities, the applicant shall submit the following documentation:

1491 (1) an inventory of similar existing facilities in King County and neighboring
1492 counties, including their locations and capacities;

1493 (2) a forecast of the future needs for the facility;

1494 (3) an analysis of the potential social and economic impacts and benefits to
1495 jurisdictions and local communities receiving or surrounding the facility;

1496 (4) an analysis of alternatives to the facility, including location, conservation,
1497 demand management and other strategies;

1498 (5) an analysis of economic and environmental impacts, including mitigation,
1499 of any similar existing facilities and of any new site(s) under consideration as an
1500 alternative to expansion of an existing facility;

1501 (6) an extensive public involvement strategy that strives to effectively engage
1502 a wide range of racial, ethnic, cultural, and socioeconomic groups, including
1503 communities that are the most impacted;

1504 (7) considered evaluation of any applicable prior review conducted by a
1505 public agency, local government, or stakeholder group; and

1506 (8) a greenhouse gas impact analysis prepared by the applicant, the results of
1507 which shall be used to identify and mitigate the impacts of such facilities.

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1508 d.~~((1))~~) As part of permit application submittal, the applicant shall
1509 demonstrate financial responsibility ~~((in an amount necessary to compensate for the cost~~
1510 ~~of decommissioning, and for the maximum damages that might occur from an explosion~~
1511 ~~resulting from a worst-case release, as defined in the 40 C.F.R. Sec. 68.3, of flammable~~
1512 ~~gases and flammable liquids.~~

1513 ~~(2) The amount of financial responsibility necessary to compensate for~~
1514 ~~damages that might occur from an explosion shall be determined by the director based on~~
1515 ~~a study of the maximum potential damages. The study shall:~~

1516 ~~(a) incorporate the volume of oils, gases, refrigerants and other flammable~~
1517 ~~or explosive chemicals stored, used or generated within the facility;~~

1518 ~~(b) consider such matters as: the frequency of facility operations; facility~~
1519 ~~layout and vegetation that could cause flammable vapor accumulation; the damages that~~
1520 ~~could result from the explosion to public and private structures onsite and offsite, public~~
1521 ~~infrastructure and environmental resources and functions; and the potential loss of life~~
1522 ~~and injury to persons onsite and to members of the public;~~

1523 ~~(c) include modeling and disclosure of a nil or very low wind condition~~
1524 ~~vapor cloud explosion scenario;~~

1525 ~~(d) be prepared by a person accredited in vapor cloud explosion analysis, or~~
1526 ~~an equally qualified individual as authorized by the director, at the applicant's expense;~~

1527 and

1528 ~~(e) undergo third party validation by a qualified entity to be hired upon~~
1529 ~~mutual agreement of the applicant and the department, at the applicant's expense.~~

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1530 ~~(3) The amount of financial responsibility necessary to compensate for~~
1531 ~~facility decommissioning shall be determined by the director based on a~~
1532 ~~decommissioning plan for the closure of the facility. The plan shall include, but need not~~
1533 ~~be limited to, the following:~~

1534 ~~(a) listing of the hazardous substances, as defined in RCW 70A.305.020,~~
1535 ~~that will be stored, handled or generated within the facility; the range of potential release~~
1536 ~~volumes requiring cleanup in the event of failures of technological or safety catchment~~
1537 ~~features; and whether such releases have the potential to contaminate groundwater or~~
1538 ~~surface waters on or adjacent to the site;~~

1539 ~~(b) the range of cleanup activities that would be required to address such~~
1540 ~~hazardous substances;~~

1541 ~~(c) detailed estimates of the cost to implement the plan, including~~
1542 ~~conducting cleanup and facility closure, based on the cost of hiring a third party to~~
1543 ~~conduct all activities. All cost estimates must be in current dollars and may not include a~~
1544 ~~net present value adjustment or offsets for salvage value of wastes or other property; and~~

1545 ~~(d) methods for estimating closure costs.~~

1546 ~~(4)(a) Financial responsibility shall be provided for the duration of fossil fuel~~
1547 ~~facility operations, to be verified in periodic review of the facilities in keeping with~~
1548 ~~K.C.C. chapter 21A.22. Financial responsibility required by this subsection B.27.e. may~~
1549 ~~be established by any one of, or a combination of, the following methods acceptable to~~
1550 ~~the department:~~

1551 ~~i. evidence of insurance;~~

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1552 ii. ~~surety bonds issued by a bonding company authorized to do business in~~
1553 ~~the United States; and~~

1554 iii. ~~other evidence of financial responsibility deemed acceptable by the~~
1555 ~~department.~~

1556 (b) ~~Self bonding, as defined in the 30 C.F.R. Sec. 800.5, shall not be an~~
1557 ~~accepted method of providing financial responsibility.~~

1558 (5) ~~Where enforcement of this subsection B.27.c. would conflict with chapter~~
1559 ~~36.32 RCW, the director may request the applicant to sign an agreement to complete~~
1560 ~~retention of required financial responsibility consistent with K.C.C. 27A.30.060, in an~~
1561 ~~amount equivalent to that indicated by the study of the damages, prior to the issuance of a~~
1562 ~~clearing and grading permit)) meeting the requirements of K.C.C. chapter 21A.XX (the~~
1563 ~~new chapter created by section 16 of this ordinance). The financial responsibility shall be~~
1564 ~~reviewed as part of the facility's periodic review under K.C.C. 21A.22.050.~~

1565 e. New, modified, or expanded fossil fuel facilities shall:

1566 (1) not be located within one thousand feet from any schools, medical care
1567 facilities, or places of assembly that have occupancies of greater than one thousand
1568 persons;

1569 (2) not be located within two hundred fifty feet from a regulated wetland or
1570 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the
1571 buffer in K.C.C. chapter 21A.24 shall apply;

1572 (3) maintain an interior setback of at least two hundred feet;

1573 (4) store fossil fuels completely within enclosed structures, tanks, or similar
1574 facilities;

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1575 (5) be accessed directly to and from an arterial roadway; and

1576 (6) comply with all applicable regulations in K.C.C. chapter 21A.22.

1577 28. Limited to uses that will not convert more than two acres of farmland or
1578 forestland, or ~~((2.5))~~ two and one-half percent of the farmland or forestland, whichever is
1579 less.

1580 29.a. Before filing an application with the department, the applicant shall hold a
1581 community meeting in accordance with K.C.C. 20.20.035.

1582 b. As part of permit application submittal for non((-))hydroelectric generation
1583 facilities, the applicant shall submit the following documentation:

1584 (1) an inventory of similar existing facilities in King County and neighboring
1585 counties, including their locations and capacities;

1586 (2) a report demonstrating that the facility would serve a significant portion
1587 of the county or metropolitan region or is part of a statewide or national system;

1588 (3) a forecast of the future needs for the facility;

1589 (4) an analysis of the potential social and economic impacts and benefits to
1590 jurisdictions and local communities receiving or surrounding the facility;

1591 (5) an analysis of alternatives to the facility, including location, conservation,
1592 demand management, and other strategies;

1593 (6) an analysis of economic and environmental impacts, including mitigation,
1594 of any similar existing facilities and of any new site or sites under consideration as an
1595 alternative to expansion of an existing facility;

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1596 (7) an extensive public involvement strategy which strives to effectively
1597 engage a wide range of racial, ethnic, cultural and socioeconomic groups, including
1598 communities that are the most impacted;

1599 (8) considered evaluation of any applicable prior review conducted by a
1600 public agency, local government, or stakeholder group; and

1601 (9) a greenhouse gas impact analysis prepared by the applicant, the results of
1602 which shall be used to identify and mitigate the impacts of such facilities.

1603 c.(((4))) As part of permit application submittal, an applicant shall demonstrate
1604 financial responsibility ((in an amount necessary to compensate for decommissioning,
1605 and for the maximum damages that might occur from an explosion resulting from a
1606 worst case release, as defined in 40 C.F.R. Sec. 68.3, of flammable gases and flammable
1607 liquids.

1608 ~~(2) The amount of financial responsibility needed to compensate for damages~~
1609 ~~that might occur from an explosion shall be as determined by the director based on a~~
1610 ~~study of the maximum damages. The study shall:~~

1611 ~~(a) incorporate the volume of oils, gases, refrigerants and other flammable~~
1612 ~~or explosive chemicals stored, used or generated within the facility;~~

1613 ~~(b) consider such matters as: the frequency of facility operations; facility~~
1614 ~~layout and vegetation that could cause flammable vapor accumulation; the damages that~~
1615 ~~could result from the explosion to public and private structures onsite and offsite, public~~
1616 ~~infrastructure and environmental resources and functions; and the potential loss of life~~
1617 ~~and injury to persons onsite and to members of the public;~~

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1618 ~~(c) include modeling and disclosure of a nil or very low wind condition~~
1619 ~~vapor cloud explosion scenario;~~

1620 ~~(d) be prepared by a person accredited in vapor cloud explosion analysis, or~~
1621 ~~an equally qualified individual as authorized by the director, at the applicant's expense;~~
1622 ~~and~~

1623 ~~(e) undergo third party validation by a qualified entity to be hired upon~~
1624 ~~mutual agreement of the applicant and the department, at the applicant's expense.~~

1625 ~~(3) The amount of financial responsibility necessary to compensate for~~
1626 ~~facility decommissioning shall be determined by the director based on a~~
1627 ~~decommissioning plan for the closure of the facility. The plan shall include, but need not~~
1628 ~~be limited to, the following:~~

1629 ~~(a) listing of the hazardous substances, as defined in RCW 70A.305.020,~~
1630 ~~that will be stored, handled or generated within the facility; the range of potential release~~
1631 ~~volumes requiring cleanup in the event of failures of technological or safety catchment~~
1632 ~~features; and whether such releases have the potential to contaminate groundwater or~~
1633 ~~surface waters on or adjacent to the site;~~

1634 ~~(b) the range of cleanup activities that would be required to address such~~
1635 ~~hazardous substances;~~

1636 ~~(c) detailed estimates of the cost to implement the plan, including~~
1637 ~~conducting cleanup and facility closure, based on the cost of hiring a third party to~~
1638 ~~conduct all activities. All cost estimates must be in current dollars and may not include a~~
1639 ~~net present value adjustment or offsets for salvage value of wastes or other property; and~~

1640 ~~(d) methods for estimating closure costs.~~

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1641 ~~(4)(a) Financial responsibility shall be provided for the duration of facility~~
1642 ~~operations, to be verified in the periodic review of the facilities required by subsection~~
1643 ~~B.29.d. of this section. Financial responsibility required by this subsection B.29.c. may~~
1644 ~~be established by any one of, or a combination of, the following methods acceptable to~~
1645 ~~the department:~~

1646 ~~i. evidence of insurance;~~

1647 ~~ii. surety bonds issued by a bonding company authorized to do business in~~
1648 ~~the United States; and~~

1649 ~~iii. other evidence of financial responsibility deemed acceptable by the~~
1650 ~~department.~~

1651 ~~(b) Self bonding, as defined by 30 C.F.R. Sec. 800.5, shall not be an accepted~~
1652 ~~method of providing financial responsibility.~~

1653 ~~(5) Where enforcement of this subsection B.29.c. would conflict with chapter~~
1654 ~~36.32 RCW, the director may request the applicant to sign an agreement to complete~~
1655 ~~retention of required financial responsibility consistent with K.C.C. 27A.30.060, in an~~
1656 ~~amount equivalent to that indicated by the study of the damages, prior to the issuance of a~~
1657 ~~clearing and grading permit)) meeting the requirements of K.C.C. chapter 21A.XX (the~~
1658 ~~new chapter created by section 16 of this ordinance).~~

1659 d. Non-hydroelectric generation facilities shall be subject to a periodic review
1660 meeting the same standards given in K.C.C. 21A.22.050. The financial responsibility
1661 required by subsection B.29.c. of this section shall be reviewed as part of the periodic
1662 review.

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1663 30. Battery energy storage systems, except those defined as an accessory use
1664 under K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025, are subject to the applicable
1665 permit requirements of subsection A. of this section and the following conditions:

1666 a. A minimum separation of ten feet shall be maintained between rooms or
1667 enclosures containing battery energy storage systems and landscaping or other
1668 vegetation;

1669 b. As part of building permit application submittal, battery energy storage
1670 systems shall demonstrate financial responsibility for public liability and environmental
1671 risks in accordance with K.C.C. chapter 21A.XX (the new chapter created by section 16
1672 of this ordinance) if the total system capacity is more than two megawatts and all three of
1673 the following apply:

1674 (1) the battery technology requires thermal runaway compliance under WAC
1675 51-54A-1207.6;

1676 (2) any individual room, cabinet, container, or other enclosure containing the
1677 system has an energy rating greater than two megawatt-hours, or any two enclosures are
1678 less than ten feet apart; and

1679 (3) the system does not qualify as a remote installation under IFC 1207.8.1.;

1680 c. As part of building permit application submittal, battery energy storage
1681 systems with a total system capacity more than two megawatts shall demonstrate
1682 financial responsibility for decommissioning in accordance with K.C.C. chapter 21A.XX
1683 (the new chapter created by section 16 of this ordinance);

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1684 d. If financial responsibility is required by subsection B.30.b. or c. of this
1685 section, the applicant shall submit verification of financial responsibility to the
1686 department every five years, beginning five years from the date of permit issuance;

1687 e. The findings and recommendations of studies, analyses, and testing required
1688 by K.C.C. Title 17, WAC 51-54A-1207, and the International Fire Code, should be
1689 incorporated into the permit conditions for the facility; and

1690 f. As part of application submittal, the applicant shall submit verification that
1691 preliminary fire safety and evacuation plans have been shared with the local fire
1692 protection district. The final plans shall be shared with the local fire protection district
1693 before final inspection approval.

1694 31.a. For all search and rescue facilities:

1695 (1) the minimum lot size is four and one half acres;

1696 (2) structures and parking areas for search and rescue facilities shall maintain
1697 a minimum distance of seventy-five feet from interior lot lines that adjoin rural area and
1698 residential zones, unless located in a building designated as historic resource under
1699 K.C.C. chapter 20.62;

1700 (3) use of the search and rescue facility is limited to activities directly relating
1701 to the search and rescue organization, except that the facility may be used by law
1702 enforcement and other public emergency responders for training and operations related to
1703 search and rescue activities; and

1704 (4) the applicant must demonstrate the absence of existing search and rescue
1705 facilities that are adequate to conduct search and rescue operations in the rural area.

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1706 b. A special use permit is required when helicopter fueling, maintenance, or
1707 storage is proposed.

1708 SECTION 11. Ordinance 10870, Section 354, as amended, and K.C.C.
1709 21A.12.170 are each hereby amended as follows:

1710 (~~Provided that~~) If the required setbacks from regional utility corridors of K.C.C.
1711 21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C.
1712 21A.12.160, and the sight distance requirements of K.C.C. 21A.12.210 are maintained,
1713 structures may extend into or be located in required setbacks, including setbacks as
1714 required by K.C.C. 21A.12.220. ~~(B)~~ C., as follows:

1715 A. Fireplace structures, bay or garden windows, enclosed stair landings, closets,
1716 or similar structures may project into any setback, provided such projections are:

- 1717 1. Limited to two per facade;
- 1718 2. Not wider than ten feet; and
- 1719 3. Not more than twenty-four inches into an interior setback or thirty inches into
1720 a street setback;

1721 B. Uncovered porches and decks that exceed eighteen inches above the finished
1722 grade may project:

- 1723 1. Eighteen inches into interior setbacks; and
- 1724 2. Five feet into the street setback;

1725 C. Uncovered porches and decks not exceeding eighteen inches above the
1726 finished grade may project to the property line;

1727 D. Eaves may not project more than:

- 1728 1. Eighteen inches into an interior setback;

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- 1729 2. Twenty-four inches into a street setback; or
- 1730 3. Eighteen inches across a lot line in a zero-lot-line development;
- 1731 E. Fences with a height of six feet or less may project into or be located in any
- 1732 setback;
- 1733 F. Rockeries, retaining walls, and curbs may project into or be located in any
- 1734 setback. Except for structures that cross the setback perpendicularly to property lines or
- 1735 that abut a critical area, these structures:
- 1736 1. Shall not exceed a height of six feet in the R-1 through R-18, UR, RA, and
- 1737 resource zones;
- 1738 2. Shall not exceed a height of eight feet in the R-24 and R-48 zones; and
- 1739 3. Shall not exceed the building height for the zone in commercial/industrial
- 1740 zones, measured in accordance with the standards established in the King County
- 1741 Building Code, Title 16;
- 1742 G. Fences located on top of rockeries, retaining walls, or berms are subject to the
- 1743 requirements of K.C.C. 21A.14.220;
- 1744 H. Telephone, power, light, and flag poles;
- 1745 I. The following may project into or be located within a setback, but may only
- 1746 project into or be located within a five foot interior setback area if an agreement
- 1747 documenting consent between the owners of record of the abutting properties is recorded
- 1748 with the records and licensing services division prior to the installment or construction of
- 1749 the structure:

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1750 1. Sprinkler systems, electrical and cellular equipment cabinets, and other
1751 similar utility boxes and vaults, not to include equipment associated with a battery energy
1752 storage system;

1753 2. security system access controls;

1754 3. Structures, except for buildings, associated with trails and on-site recreation
1755 spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as
1756 benches, picnic tables, and drinking fountains; and

1757 4. Surface water management facilities as required by K.C.C. 9.04;

1758 J. Freestanding air conditioners and heat pumps may project into or be located
1759 within a setback abutting a residential property, but may only be located closer than five
1760 feet of an abutting residential property if an agreement documenting consent between the
1761 owners of record of the abutting properties is recorded with the records and licensing
1762 services division prior to permit issuance.

1763 K. Mailboxes and newspaper boxes may project into or be located within street
1764 setbacks;

1765 L. Fire hydrants and associated appendages;

1766 M. Metro bus shelters may be located within street setbacks;

1767 N. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument
1768 signs four feet or less in height, with a maximum sign area of twenty square feet may
1769 project into or be located within street setbacks;

1770 O. On a parcel in the RA zone, in the interior setback that adjoins a property
1771 zoned NB or CB, structures housing refrigeration equipment that extends no more than
1772 ten feet into the setback and is no more than sixty feet in length; ~~((and))~~

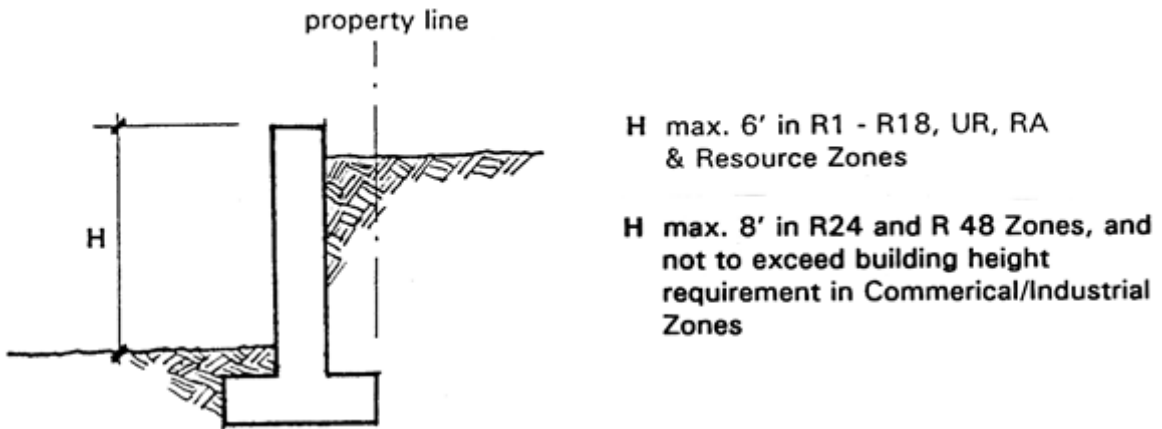
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1773 P. Stormwater conveyance and control facilities, both above and below ground,
 1774 provided such projections are:

- 1775 1. Consistent with setback, easement, and access requirements specified in the
 1776 Surface Water Design Manual; or
 1777 2. In the absence of said specifications, not within five feet of the property
 1778 line; and

1779 Q. Equipment associated with a battery energy storage system defined as an
 1780 accessory use under K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025 may be located
 1781 within a street setback, but only when used solely to supply electricity for electric-
 1782 vehicle-charging infrastructure also within the setback or within the adjacent right-of-
 1783 way.

RETAINING WALL IN SETBACK



1784

1785 SECTION 12. Ordinance 10870, Section 359, as amended, and K.C.C.

1786 21A.12.220 are each hereby amended as follows:

1787 A. The requirements of this section apply to all nonresidential uses located in the
 1788 RA, UR, or R zones, except:

- 1789 1. ((Except for u))Utility facilities((;))

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1790 2. ~~((H))~~ Uses listed in K.C.C. 21A.08.100, except that the standards in this
1791 section shall apply to battery energy storage systems not defined as accessory uses under
1792 K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025; and

1793 3. ~~((H))~~ Nonresidential uses regulated by 21A.12.230~~((, all nonresidential uses~~
1794 ~~located in the RA, UR, or R zones shall be subject to the following requirements:))~~.

1795 ~~((A-))~~ B. Impervious surface coverage shall not exceed:

- 1796 1. Forty percent of the site in the RA zone.
1797 2. Seventy percent of the site in the UR and the R-1 through R-8 zones.
1798 3. Eighty percent of the site in the R-12 through R-48 zones.

1799 ~~((B-))~~ C. Buildings and structures, except fences and wire or mesh backstops,
1800 shall not be closer than 30 feet to any property line, except as provided in subsection

1801 ~~((C-))~~ D.

1802 ~~((C-))~~ D. Single detached dwelling allowed as accessory to a church or school
1803 shall conform to the setback requirements of the zone.

1804 ~~((D-))~~ E. Parking areas are permitted within the required setback area from
1805 property lines, ~~((provided))~~ but only if such parking areas are located outside of the
1806 required landscape area.

1807 ~~((E-))~~ F. Sites shall abut or be accessible from at least one public street
1808 functioning at a level consistent with King County Road Design Standards. New high
1809 school sites shall abut or be accessible from a public street functioning as an arterial per
1810 the King County Design Standards.

1811 ~~((F-))~~ G. The base height shall conform to the zone in which the use is located.

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1812 (~~G.~~) H. Building illumination and lighted signs shall be designed so that no
1813 direct rays of light are projected into neighboring residences or onto any street right-of-
1814 way.

1815 SECTION 13. Ordinance 10870, Section 388, as amended, and K.C.C.

1816 21A.16.030 are each hereby amended as follows:

1817 To facilitate the application of this chapter, the land uses of K.C.C. chapter

1818 21A.08 have been grouped in the following manner:

1819 A. Residential development refers to those uses listed in K.C.C. 21A.08.030,

1820 except those uses listed under Accessory uses, and:

1821 1. Attached/group residences refers to:

1822 a. townhouses, except as provided in subsection A.2.a. of this section;

1823 b. apartments and detached dwelling units developed on common property at a

1824 density of twelve or more units per acre;

1825 c. senior citizen assisted housing;

1826 d. temporary lodging;

1827 e. group residences other than Type I community residential facilities;

1828 f. mobile home parks; and

1829 2. Single-family development refers to:

1830 a. residential subdivisions and short subdivisions, including attached and

1831 detached dwelling units on individually platted or short platted lots;

1832 b. any detached dwelling units located on a lot including cottage housing units;

1833 and

1834 c. Type I community residential facilities;

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1835 B. Commercial development refers to those uses in:

1836 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;

1837 2. K.C.C. 21A.08.050 except recycling centers, health and educational services,

1838 daycare I, churches, synagogues and temples, and miscellaneous repair as allowed in the

1839 A and RA zones; and

1840 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales

1841 as allowed in the A, F₂ and RA zones and building, hardware, and garden materials as

1842 allowed in the A zones;

1843 C. Industrial development refers to those uses listed in:

1844 1. K.C.C. 21A.08.050 as recycling center;

1845 2. K.C.C. 21A.08.060, except government services and farm product

1846 warehousing, refrigeration, and storage as allowed in the A zones;

1847 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A

1848 and F zones; and

1849 4. K.C.C. 21A.08.090 as mineral extraction and processing;

1850 D. Institutional development refers to those uses listed in:

1851 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;

1852 2. K.C.C. 21A.08.050 as churches, synagogues, and temples, health services,

1853 and education services except specialized instruction schools permitted as an accessory

1854 use;

1855 3. K.C.C. 21A.08.060 as government services; and

1856 4. Search and rescue facilities((-));

1857 E. Utility development refers to those uses listed in:

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1858 1. K.C.C. 21A.08.060 as utility facilities; and
1859 2. K.C.C. 21A.08.100 as battery energy storage systems, except those defined as
1860 accessory uses under K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025; and
1861 F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E.
1862 of this section shall not be subject to landscaping and tree retention requirements except
1863 as specified in any applicable review of a conditional use or special use permits, or
1864 reviews conducted in accordance with K.C.C. 21A.42.300.

1865 SECTION 14. Ordinance 10870, Section 390, as amended, and K.C.C.
1866 21A.16.050 are each hereby amended as follows:

1867 The average width of perimeter landscaping along street frontages shall be
1868 provided as follows:

1869 A. Twenty feet of Type II landscaping shall be provided for an institutional use,
1870 excluding playgrounds and playfields;

1871 B. Ten feet of Type II landscaping shall be provided for an industrial
1872 development;

1873 C. Ten feet of Type II landscaping shall be provided for an above-ground utility
1874 ((~~facilities~~)) development, excluding distribution and transmission corridors, located
1875 outside a public right-of-way;

1876 D. Ten feet of Type III landscaping shall be provided for a commercial or
1877 attached/group residence development; and

1878 E. For single family subdivisions and short subdivisions in the urban growth area:

1879 1. Trees shall be planted at the rate of one tree for every forty feet of frontage
1880 along all public streets;

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- 1881 2. The trees shall be:
- 1882 a. Located within the street right-of-way if permitted by the custodial state or
- 1883 local agency;
- 1884 b. No more than twenty feet from the street right-of-way line if located within
- 1885 a lot;
- 1886 c. Maintained by the adjacent landowner unless part of a county maintenance
- 1887 program; and
- 1888 d. A species approved by the county if located within the street right-of way
- 1889 and compatible with overhead utility lines.

1890 3. The trees may be spaced at irregular intervals to accommodate sight distance

1891 requirements for driveways and intersections.

1892 SECTION 15. Ordinance 10870, Section 391, as amended, and K.C.C.

1893 21A.16.060 are each hereby amended as follows:

1894 The average width of perimeter landscaping along interior lot lines shall be

1895 provided as follows:

1896 A. Twenty feet of Type I landscaping shall be included in a commercial or

1897 industrial development along any portion adjacent to a residential development;

1898 B. Five feet of Type II landscaping shall be included in an attached/group

1899 residence development, except that along portions of the development adjacent to

1900 property developed with single detached residences or vacant property that is zoned RA,

1901 UR or R(1-8), the requirement shall be ten feet of Type II landscaping;

1902 C. Ten feet of Type II landscaping shall be included in an industrial development

1903 along any portion adjacent to a commercial or institutional development; and

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1904 D. Ten feet of Type II landscaping shall be included in:

1905 1. ~~((a))~~An institutional use, excluding ~~((e))~~ playgrounds and playfields~~((r))~~; or

1906 2. ~~((a))~~An above-ground utility ~~((facility))~~ development, excluding distribution
1907 or transmission corridors, when located outside a public right-of-way.

1908 NEW SECTION. SECTION 16. Section 17 of this ordinance should constitute a
1909 new chapter in K.C.C. Title 21A.

1910 NEW SECTION. SECTION 17. When required by K.C.C. chapter 21A.08, uses
1911 shall demonstrate financial responsibility as follows:

1912 A. Only for fossil fuel facilities and nonhydroelectric generation facilities, the
1913 applicant shall demonstrate financial responsibility in an amount necessary to compensate
1914 for the maximum damages that might occur from an explosion resulting from a worst-
1915 case release, as defined in 40 C.F.R. Sec. 68.3, of flammable gases and flammable
1916 liquids. The amount of financial responsibility shall be determined by the director based
1917 on a study of the maximum potential damages. The study shall:

1918 1. Incorporate the volume of oils, gases, refrigerants, and other flammable or
1919 explosive chemicals stored, used, or generated within the facility;

1920 2. Consider such matters as:

1921 a. the frequency of facility operations;

1922 b. facility layout and vegetation that could cause flammable vapor
1923 accumulation;

1924 c. the damages that could result from the explosion to public and private
1925 structures onsite and offsite;

1926 d. public infrastructure and environmental resources and functions; and

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1927 e. The potential loss of life and injury to persons onsite and to members of the
1928 public;

1929 3. Include modeling and disclosure of a nil or very low wind condition vapor
1930 cloud explosion scenario;

1931 4. Be prepared by a person accredited in vapor cloud explosion analysis, or an
1932 equally qualified individual as authorized by the director, at the applicant's expense; and

1933 5. Undergo third-party validation by a qualified entity to be hired upon mutual
1934 agreement of the applicant and the department, at the applicant's expense;

1935 B. For battery energy storage systems only, the applicant shall demonstrate
1936 financial responsibility for public liability and environmental risks, in an amount of one
1937 million dollars, conditioned upon or responsive to the applicant's payment of damages to
1938 persons and property, up to one million dollars, resulting from or caused by a thermal
1939 event at a battery energy storage system. Nothing in this subsection shall be construed to
1940 limit an applicant from voluntarily obtaining financial responsibility for public liability
1941 and environmental risks in excess of one million dollars.

1942 C. For fossil fuel facilities and nonhydroelectric generation facilities only, the
1943 applicant shall demonstrate financial responsibility in an amount necessary to compensate
1944 for facility decommissioning. The amount of financial responsibility shall be determined
1945 by the director based on a decommissioning plan for the closure of the facility. The plan
1946 shall include, but need not be limited to, the following:

1947 1. Listing of the hazardous substances, as defined in RCW 70A.305.020, that
1948 will be stored, handled, or generated within the facility; the range of potential release
1949 volumes requiring cleanup in the event of failures of technological or safety catchment

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1950 features; and whether such releases have the potential to contaminate groundwater or
1951 surface waters on or adjacent to the site;

1952 2. The range of cleanup activities that would be required to address such
1953 hazardous substances;

1954 3. Detailed estimates of the cost to implement the plan, including conducting
1955 cleanup and facility closure, based on the cost of hiring a third party to conduct all
1956 activities. All cost estimates must be in current dollars and may not include a net present
1957 value adjustment or offsets for salvage value of wastes or other property; and

1958 4. Methods for estimating closure costs;

1959 D. For battery energy storage systems only, the applicant shall demonstrate
1960 financial responsibility in an amount necessary to compensate for facility
1961 decommissioning. The required financial responsibility for decommissioning, which
1962 may be packaged with, but shall be additional to, any public liability financial
1963 responsibility required by subsection B. of this section, shall be in an amount to carry out
1964 all contingencies of the decommissioning plan required by WAC 51-54A-1207,
1965 including:

1966 1. The range of cleanup activities that would be required for site
1967 decommissioning;

1968 2. Detailed estimates of the cost to implement the plan, including conducting
1969 facility closure, based on the cost of hiring a third party to conduct all activities. All cost
1970 estimates must be in current dollars and may not include a net present value adjustment
1971 or offsets for salvage value of wastes or other property; and

1972 3. Methods for estimating closure costs;

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1973 E. Financial responsibility shall be provided for the duration of facility
1974 operations, to be periodically reviewed, if required, in the manner prescribed for the use
1975 in K.C.C. chapter 21A.08;

1976 F.1. Financial responsibility required by this chapter may be established by any
1977 one of, or a combination of, the following methods:

1978 a. evidence of insurance;

1979 b. surety bonds issued by a bonding company authorized to do business in the
1980 United States;

1981 c. letter of credit; or

1982 d. other evidence of financial responsibility deemed acceptable by the
1983 department.

1984 2. Self-bonding, as defined in 30 C.F.R. Sec. 800.5, shall not be an accepted
1985 method of providing financial responsibility; and

1986 G. Where enforcement of this chapter would conflict with chapter 36.32 RCW,
1987 the director may request the applicant to sign an agreement to complete retention of
1988 required financial responsibility consistent with K.C.C. 27A.30.060, in an amount
1989 equivalent to that required by this chapter, before the issuance of a clearing and grading
1990 permit.

1991 SECTION 18. Ordinance 12020, Section 17, as amended, and K.C.C.

1992 27A.30.060 are each hereby amended as follows:

1993 Consistent with chapter 36.32 RCW, King County shall not require any state
1994 agency or unit of local government to secure the performance of a permit requirement
1995 with a financial guarantee as a condition of issuing a permit or approval for a building

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1996 construction project. The director, however, may request a state agency or unit of local
1997 government to sign an agreement to complete required improvements, or to complete
1998 retention of required financial responsibility consistent with K.C.C. (~~21A.08.100~~)
1999 chapter 21A.XX (the new chapter created by section 16 of this ordinance), and protect the
2000 county's rights and duty to remedy unsatisfactory performance.

2001 SECTION 19.

2002 A. The executive shall prepare a battery energy storage systems study report.
2003 The executive shall consult with representatives of the energy industry, emergency
2004 response community, renewable energy industry, labor, and state and local governments
2005 to assist in developing the report. The report shall include, but not be limited to:

2006 1. If applications have been received or pre-application meetings held in the
2007 timeframe given in subsection B. of this section, information on each battery energy
2008 storage system that applied to the department of local services, permitting division, for
2009 permits or preapplication meetings after the effective date of this ordinance, including but
2010 not limited to:

- 2011 a. whether the system was accessory or not, and if so, what type of use it was
2012 accessory to;
- 2013 b. whether permits were issued or applied for;
- 2014 c. in cases where a permit was not issued, any available information on barriers
2015 to permit issuance or application; and
- 2016 d. in cases where a permit was issued:
- 2017 (1) the total system capacity in megawatts;
- 2018 (2) the total number of containers, cabinets, or rooms housing the system;

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2019 (3) site characteristics, such as lot size, zoning, and any other pertinent
2020 information;

2021 (4) whether the system required financial responsibility; and

2022 (5) whether additional conditions were imposed under subsection 10.B.30.e.
2023 of this ordinance;

2024 2. Information on any changes to standards relating to energy storage systems in
2025 the International Fire Code, as adopted by the state or county, since the effective date of
2026 this ordinance, and discussion of how those changes do or do not impact the requirements
2027 of this ordinance;

2028 3. Information on changes to battery technology or safety systems that have
2029 occurred since the effective date of this ordinance, and how those changes do or do not
2030 impact the requirements of this ordinance;

2031 4. An analysis of the impact and effectiveness of the financial responsibility
2032 requirements of this ordinance, and evaluation of alternatives for ensuring financial
2033 responsibility if warranted;

2034 5. An analysis of the county's progress towards its Strategic Climate Action
2035 Plan targets for battery energy storage capacity;

2036 6. An analysis of gaps that exist in the existing county and state regulatory
2037 structure for battery energy storage systems; and

2038 7. Any recommendations for changes to the county's regulations for battery
2039 energy storage systems, based on the information gained during the development of the
2040 report.

2041 B.1. No later than one year from the date that the first battery energy storage

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2042 system permitted under this ordinance receives final inspection approval, or three years
2043 from the date this ordinance is enacted, whichever comes first, the executive shall
2044 electronically file the report with the clerk of the council, who shall retain an electronic
2045 copy and provide an electronic copy to all councilmembers, the council chief of staff, and
2046 the lead staff for the local services and land use committee or its successor. If legislative
2047 action is necessary to implement the recommendations of the report, a proposed
2048 ordinance shall be transmitted with the report. If legislative action is not necessary to
2049 implement the recommendations of the report, a proposed motion acknowledging receipt
2050 of the report shall be transmitted with the report.

2051 SECTION 20. Severability. If any provision of this ordinance or its application


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2052 to any person or circumstance is held invalid, the remainder of the ordinance or the
2053 application of the provision to other persons or circumstances is not affected.


Ordinance 19824 was introduced on 7/25/2023 and passed as amended by the Metropolitan King County Council on 9/24/2024, by the following vote:

Yes: 8 - Balducci, Barón, Dembowski, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay
No: 1 - Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

APPROVED this ____ day of 10/1/2024, _____.

Signed by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Cherie Camp
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	401 5TH AVE
	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

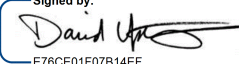
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Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
Security Level: Email, Account Authentication (None)

Signature

Signed by:

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Using IP Address: 198.49.222.20

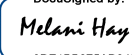
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Melani Hay
melani.hay@kingcounty.gov
Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

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Signature Adoption: Pre-selected Style
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Dow Constantine
Dow.Constantine@kingcounty.gov
King County Executive
Security Level: Email, Account Authentication (None)

Signed by:

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Using IP Address: 146.129.84.117

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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Ames Kessler akessler@kingcounty.gov Executive Legislative Coordinator & Public Records Officer King County Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 9/25/2024 1:57:33 PM Viewed: 9/25/2024 4:08:01 PM
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Completed	Security Checked	10/1/2024 3:10:00 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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