



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance

Proposed No. 2023-0440.1

Sponsors Perry

1 AN ORDINANCE related to comprehensive planning;
2 amending Ordinance 11955, Section 5, as amended, and
3 K.C.C. 2.16.055, Ordinance 18326, Section 3, and K.C.C.
4 6.70.010, Ordinance 18326, Section 4, and K.C.C.
5 6.70.020, Ordinance 18326, Section 5, and K.C.C.
6 6.70.030, Ordinance 18326, Section 6, as amended, and
7 K.C.C. 6.70.040, Ordinance 18326, Section 8, as amended,
8 and K.C.C. 6.70.060, Ordinance 18326, Section 9, and
9 K.C.C. 6.70.070, Ordinance 9163, Section 2, as amended,
10 and K.C.C. 9.04.020, Ordinance 18420, Section 37, and
11 K.C.C. 14.01.360, Ordinance 18420, Section 61, as
12 amended, and K.C.C. 14.40.0104, Ordinance 8421, Section
13 3, as amended, and K.C.C. 14.56.020, Ordinance 8421,
14 Section 4, as amended, and K.C.C. 14.56.030, Ordinance
15 1488, Section 5, as amended, and K.C.C. 16.82.020,
16 Ordinance 15053, Section 3, as amended, and K.C.C.
17 16.82.051, Ordinance 1488, Section 7, as amended, and
18 K.C.C. 16.82.060, Ordinance 12560, Section 148, as
19 amended, and K.C.C. 17.04.200, Ordinance 12560, Section
20 149, as amended, and K.C.C. 17.04.280, Ordinance 17270,

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21 Section 2, as amended, and K.C.C. 18.25.010, Ordinance
22 13694, Section 42, as amended, and K.C.C. 19A.08.070,
23 Ordinance 13694, Section 56, as amended, and K.C.C.
24 19A.12.020, Ordinance 13694, Section 80, as amended,
25 and K.C.C. 19A.28.020, Ordinance 18810, Section 3, and
26 K.C.C. 20.08.037, Ordinance 263, Art. 3 (part), and K.C.C.
27 20.08.060, Ordinance 263, Article 2, Section 1, as
28 amended, and K.C.C. 20.12.010, Ordinance 3692, Section
29 2, as amended, and K.C.C. 20.12.200, Ordinance 13147,
30 Section 19, as amended, and K.C.C. 20.18.030, Ordinance
31 13147, Section 20, as amended, and K.C.C. 20.18.040,
32 Ordinance 3688, Section 813, as amended, and K.C.C.
33 20.18.056, Ordinance 13147, Section 22, as amended, and
34 K.C.C. 20.18.060, Ordinance 13147, Section 23, as
35 amended, and K.C.C. 20.18.070, Ordinance 13147, Section
36 27, and K.C.C. 20.18.110, Ordinance 13147, Section 28, as
37 amended, and K.C.C. 20.18.120, Ordinance 13147, Section
38 30, as amended, and K.C.C. 20.18.140, Ordinance 13147,
39 Section 32, and K.C.C. 20.18.160, Ordinance 14047,
40 Section 9, and K.C.C. 20.18.170, Ordinance 14047, Section
41 10, and K.C.C. 20.18.180, Ordinance 12196, Section 9, as
42 amended, and K.C.C. 20.20.020, Ordinance 16950, Section
43 10, as amended, and K.C.C. 20.20.035, Ordinance 12196,

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44 Section 17, as amended, and K.C.C. 20.20.100, Ordinance
45 12196, Section 19, as amended, and K.C.C. 20.20.120,
46 Ordinance 4461, Section 10, as amended, and K.C.C.
47 20.22.150, Ordinance 9544, Section 16, as amended, and
48 K.C.C. 20.22.180, Ordinance 10511, Section 7, as
49 amended, and K.C.C. 20.36.100, Ordinance 4828, Section
50 4, as amended, and K.C.C. 20.62.040, Ordinance 10870,
51 Section 17, as amended, and K.C.C. 21A.02.070,
52 Ordinance 10870, Section 27, as amended, and K.C.C.
53 21A.04.060, Ordinance 10870, Section 28, as amended,
54 and K.C.C. 21A.04.070, Ordinance 10870, Section 29, as
55 amended, and K.C.C. 21A.04.080, Ordinance 10870,
56 Section 30, as amended, and K.C.C. 21A.04.090,
57 Ordinance 10870, Section 31, as amended, and K.C.C.
58 21A.04.100, Ordinance 10870, Section 32, as amended,
59 and K.C.C. 21A.04.110, Ordinance 10870, Section 33, and
60 K.C.C. 21A.04.120, Ordinance 10870, Section 48, as
61 amended, and K.C.C. 21A.06.040, Ordinance 17710,
62 Section 2, and K.C.C. 21A.06.7341, Ordinance 17710,
63 Section 3, and K.C.C. 21A.06.3742, Ordinance 17710,
64 Section 4, as amended, and K.C.C. 21A.06.7344,
65 Ordinance 17710, Section 5, as amended, and K.C.C.
66 21A.06.7346, Ordinance 17710, Section 6, as amended,

67 and K.C.C. 21A.06.7348, Ordinance 15606, Section 5, and
68 K.C.C. 21A.06.196, Ordinance 10870, Section 92, as
69 amended, and K.C.C. 21A.06.260, Ordinance 10870,
70 Section 98, and K.C.C. 21A.06.290, Ordinance 10870,
71 Section 101, as amended, and K.C.C. 21A.06.305,
72 Ordinance 15051, Section 31, and K.C.C. 21A.06.333,
73 Ordinance 10870, Section 5, and K.C.C. 21A.06.355,
74 Ordinance 10870, Section 114, and K.C.C. 21A.06.370,
75 Ordinance 17191, Section 22, as amended, and K.C.C.
76 21A.06.450, Ordinance 10870, Section 148, and K.C.C.
77 21A.06.540, Ordinance 10870, Section 77, and K.C.C.
78 21A.06.185, Ordinance 14045, Section 7, and K.C.C.
79 21A.06.1013, Ordinance 10870, Section 252, as amended,
80 and K.C.C. 21A.06.1060, Ordinance 10870, Section 634
81 (part), as amended, and K.C.C. 21A.06.1062, Ordinance
82 3688, Section 251, as amended, and K.C.C. 21A.06.1082C,
83 Ordinance 10870, Section 295, as amended, and K.C.C.
84 21A.06.1275, Ordinance 10870, Section 297, as amended,
85 and K.C.C. 21A.06.1285, Ordinance 10870, Section 330, as
86 amended, and K.C.C. 21A.08.030, Ordinance 10870,
87 Section 331, as amended, and K.C.C. 21A.08.040,
88 Ordinance 10870, Section 332, as amended, and K.C.C.
89 21A.08.050, Ordinance 10870, Section 333, as amended,

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90 and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as
91 amended, and K.C.C. 21A.08.070, Ordinance 10870,
92 Section 335, as amended, and K.C.C. 21A.08.080,
93 Ordinance 10870, Section 336, as amended, and K.C.C.
94 21A.08.090, Ordinance 10870, Section 337, as amended,
95 and K.C.C. 21A.08.100, Ordinance 10870, Section 340, as
96 amended, and K.C.C. 21A.12.030, Ordinance 10870,
97 Section 341, as amended, and K.C.C. 21A.12.040,
98 Ordinance 10870, Section 344, as amended, and K.C.C.
99 21A.12.070, Ordinance 10870, Section 355, as amended,
100 and K.C.C. 21A.12.180, Ordinance 10870, Section 357, as
101 amended, and K.C.C. 21A.12.200, Ordinance 10870,
102 Section 3559, as amended, and K.C.C. 21A.12.220,
103 Ordinance 10870, Section 364, as amended, and K.C.C.
104 21A.14.040, Ordinance 10870, Section 367, as amended,
105 and K.C.C. 21A.14.070, Ordinance 10870, Section 368, as
106 amended, and K.C.C. 21A.14.080, Ordinance 10870,
107 Section 369, as amended, and K.C.C. 21A.14.090,
108 Ordinance 10870, Section 376, as amended, and K.C.C.
109 21A.14.160, Ordinance 10870, Section 378, as amended,
110 and K.C.C. 21A.14.180, Ordinance 10870, Section 379, as
111 amended, and K.C.C. 21A.14.190, Ordinance 14045,
112 Section 30, and K.C.C. 21A.14.225, Ordinance 11621,

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113 Section 99, as amended, and K.C.C. 21A.14.280,
114 Ordinance 14045, Section 43 and K.C.C. 21A.14.330,
115 Ordinance 10870, Section 387, as amended, and K.C.C.
116 21A.16.020, Ordinance 10870, Section 388, as amended,
117 and K.C.C. 21A.16.030, Ordinance 10870, Section 395, as
118 amended, and K.C.C. 21A.16.100, Ordinance 10870,
119 Section 407, as amended, and K.C.C. 21A.18.030,
120 Ordinance 10870, Section 410, as amended, and K.C.C.
121 21A.18.050, Ordinance 10870, Section 414, as amended,
122 and K.C.C. 21A.18.100, Ordinance 10870, Section 415, as
123 amended, and K.C.C. 21A.18.110, Ordinance 10870,
124 Section 417, and K.C.C. 21A.18.130, Ordinance 13022,
125 Section 26, as amended, and K.C.C. 21A.20.190,
126 Ordinance 10870, Section 444, as amended, and K.C.C.
127 21A.22.060, Ordinance 15051, Section 137, as amended,
128 and K.C.C. 21A.24.045, Ordinance 15051, Section 151, as
129 amended, and K.C.C. 21A.24.133, Ordinance 10870,
130 Section 469, as amended, and K.C.C. 21A.24.220,
131 Ordinance 10870, Section 470, as amended, and K.C.C.
132 21A.24.230, Ordinance 10870, Section 471, as amended,
133 and K.C.C. 21A.24.240, Ordinance 10870, Section 477, as
134 amended, and K.C.C. 21A.24.300, Ordinance 11621,
135 Section 52, as amended, and K.C.C. 21A.24.385,

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136 Ordinance 11621, Section 53, as amended, and K.C.C.
137 21A.24.386, Ordinance 16985, Section 129, and K.C.C.
138 21A.25.080, Ordinance 16958, Section 31, as amended,
139 and K.C.C. 21A.25.100, Ordinance 16985, Section 39, as
140 amended, and K.C.C. 21A.25.160, Ordinance 3688, Section
141 413, as amended, and K.C.C. 21A.25.170, Ordinance
142 13129, Section 2, as amended, and K.C.C. 21A.27.010,
143 Ordinance 13129, Section 11, as amended, and K.C.C.
144 21A.27.110, Ordinance 10870, Section 512, as amended,
145 and K.C.C. 21A.28.020, Ordinance 10870, Section 513, as
146 amended, and K.C.C. 21A.28.030, Ordinance 10870,
147 Section 514, as amended, and K.C.C. 21A.28.040,
148 Ordinance 10870, Section 515, as amended, and K.C.C.
149 21A.28.050, Ordinance 10870, Section 523, as amended,
150 and K.C.C. 21A.28.130, Ordinance 10870, Section 524, as
151 amended, and K.C.C. 21A.28.140, Ordinance 10870,
152 Section 526, as amended, and K.C.C. 21A.28.160,
153 Ordinance 10870, Section 525, as amended, and K.C.C.
154 21A.28.150, Ordinance 11621, Section 89, and K.C.C.
155 21A.28.152, Ordinance 11621, Section 90, as amended,
156 and K.C.C. 21A.28.154, Ordinance 11621, Section 91, as
157 amended, and K.C.C. 21A.28.156, Ordinance 11168,
158 Section 14, as amended, and K.C.C. 21A.30.075,

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159 Ordinance 10870, Section 536, as amended, and K.C.C.
160 21A.30.080, Ordinance 15606, Section 20, as amended,
161 and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as
162 amended, and K.C.C. 21A.30.090, Ordinance 10870,
163 Section 547, as amended, and K.C.C. 21A.32.100,
164 Ordinance 10870, Section 548, as amended, and K.C.C.
165 21A.32.110, Ordinance 10870, Section 549, as amended,
166 and K.C.C. 21A.32.120, Ordinance 10870, Section 555, as
167 amended, and K.C.C. 21A.32.180, Ordinance 10870,
168 Section 559, and K.C.C. 21A.32.220, Ordinance 17710,
169 Section 14, as amended, and K.C.C. 21A.32.250,
170 Ordinance 13274, Section 1, as amended, and K.C.C.
171 21A.37.010, Ordinance 13274, Section 5, as amended, and
172 K.C.C. 21A.37.030, Ordinance 13274, Section 6, as
173 amended, and K.C.C. 21A.37.040, Ordinance 14190,
174 Section 7, as amended, and K.C.C. 21A.37.050, Ordinance
175 14190, Section 8, as amended, and K.C.C. 21A.37.060,
176 Ordinance 13274, Section 7, as amended, and K.C.C.
177 21A.37.070, Ordinance 13274, Section 8, as amended, and
178 K.C.C. 21A.37.080, Ordinance 13733, Section 8, as
179 amended, and K.C.C. 21A.37.100, Ordinance 13733,
180 Section 10, as amended, and K.C.C. 21A.37.110,
181 Ordinance 13733, Section 11, as amended, and K.C.C.

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182 21A.37.120, Ordinance 13733, Section 12, as amended,
183 and K.C.C. 21A.37.130, Ordinance 13733, Section 13, as
184 amended, and K.C.C. 21A.37.140, Ordinance 10870,
185 Section 579, as amended, and K.C.C. 21A.38.030,
186 Ordinance 10870, Section 578, as amended, and K.C.C.
187 21A.38.050, Ordinance 12809, Section 5, as amended, and
188 K.C.C. 21A.38.120, Ordinance 12823, Section 10, and
189 K.C.C. 21A.38.150, Ordinance 11621, Section 112, as
190 amended, and K.C.C. 21A.43.030, Ordinance 11621,
191 Section 114, as amended, and K.C.C. 21A.43.050,
192 Ordinance 11621, Section 116, as amended, and K.C.C.
193 21A.43.070, Ordinance 10870, Section 623, and K.C.C.
194 21A.44.020, Ordinance 3269, Section 2, and K.C.C.
195 24.08.010, Ordinance 19555, Section 22, and K.C.C.
196 21A.48.010, Ordinance 19555, Section 24, and K.C.C.
197 21A.48.030, Ordinance 19555, Section 26, and K.C.C.
198 21A.48.050, Ordinance 19555, Section 27, and K.C.C.
199 21A.48.060, Ordinance 19555, Section 28, and K.C.C.
200 21A.48.070, Ordinance 19555, Section 29, and K.C.C.
201 21A.48.080, Ordinance 13332, Section 34, as amended,
202 and K.C.C. 27.10.190, Ordinance 13332, Section 35, as
203 amended, and K.C.C. 27.10.200, Ordinance 16147, Section
204 2, as amended, and K.C.C. 18.17.010, Ordinance 19402,

205 Section 8, and K.C.C. 18.17.050, and Ordinance 16650,
206 Section 1, as amended, and K.C.C. 21A.55.101, adding a
207 new section to K.C.C. chapter 14.01, adding new sections
208 to K.C.C. chapter 20.18, adding new sections to K.C.C.
209 chapter 21A.06, adding new sections to K.C.C. chapter
210 21A.28, adding a new section to K.C.C chapter 21A.32,
211 adding new sections to K.C.C. chapter 21A.37, adding a
212 new section to K.C.C. chapter 21A.44, adding a new
213 section to K.C.C. chapter 24.08, adding a new chapter to
214 K.C.C. Title 21A, adding a new chapter to K.C.C. Title 24,
215 recodifying K.C.C. 21A.06.7341, 21A.06.7342, K.C.C.
216 21A.06.7344, K.C.C. 21A.06.7346, K.C.C. 21A.06.7348,
217 K.C.C. 21A.06.185, K.C.C. 21A.28.160, and K.C.C.
218 21A.28.150, repealing Ordinance 14050, Section 17, and
219 K.C.C. 14.70.300, Ordinance 9614, Section 103, as
220 amended, and K.C.C. 16.82.150, Ordinance 16267, Section
221 6, and K.C.C. 16.82.151, Ordinance 15053, Section 15, as
222 amended, and K.C.C. 16.82.152, Ordinance 15053, Section
223 16, and K.C.C. 16.82.154, Ordinance 18810, Section 6, and
224 K.C.C. 20.08.175, Ordinance 1096, Sections 1 and 2, as
225 amended, and K.C.C. 20.12.090, Ordinance 8279, Section
226 1, as amended, and K.C.C. 20.12.150, Ordinance 11620,
227 Section 18, and K.C.C. 20.12.433, Ordinance 11620,

228 Section 19, and K.C.C. 20.12.435, Ordinance 8380, Section
229 1, and K.C.C. 20.14.010, Ordinance 8380, Appendix A,
230 Ordinance 8380, Appendix B, Ordinance 10238, Section 1,
231 as amended, and K.C.C. 20.14.020, Ordinance 10293,
232 Attachment A, as amended, Ordinance 10293, Sections 1,
233 2, 6, 7, and 9, as amended, and K.C.C. 20.14.025,
234 Ordinance 10293, Attachment A, as amended, Ordinance
235 10513, Section 1, as amended, and K.C.C. 20.14.030,
236 Ordinance 10513, Attachment A, as amended, Ordinance
237 11087, Section 1, as amended, and K.C.C. 20.14.040,
238 Ordinance 11087, Attachment A, as amended, Ordinance
239 11111, Section 1, as amended, and K.C.C. 20.14.050,
240 Ordinance 11111, Attachment A, as amended, Ordinance
241 11886, Sections 1 and 4, as amended, and K.C.C.
242 20.14.060, Ordinance 11886, Attachment A, as amended,
243 Ordinance 12809, Section 1, as amended, and K.C.C.
244 20.14.070, Ordinance 12809, Attachment A, as amended,
245 Ordinance 14091, Section 1, and K.C.C. 20.14.080,
246 Ordinance 14091, Attachment A, Ordinance 12171, Section
247 3, and K.C.C. 21A.06.533, Ordinance 10870, Section 196,
248 and K.C.C. 21A.06.780, Ordinance 10870, Section 308,
249 and K.C.C. 21A.06.1340, Ordinance 10870, Section 550,
250 and K.C.C. 21A.32.130, Ordinance 10870, Section 140,

251 and K.C.C. 21A.32.140, Ordinance 10870, Section 560,
252 and K.C.C. 21A.34.010, Ordinance 10870, Section 561,
253 and K.C.C. 21A.34.020, Ordinance 10870, Section 562, as
254 amended, and K.C.C. 21A.34.030, Ordinance 10870,
255 Section 563, as amended, and K.C.C. 21A.34.040,
256 Ordinance 10870, Section 564, as amended, and K.C.C.
257 21A.34.050, Ordinance 10870, Section 565, as amended,
258 and K.C.C. 21A.34.060, Ordinance 10870, Section 566,
259 and K.C.C. 21A.34.070, Ordinance 10870, Section 567,
260 and K.C.C. 21A.34.080, Ordinance 16267, Section 68, as
261 amended, and K.C.C. 21A.37.055, Ordinance 10870,
262 Section 581, as amended, and K.C.C. 21A.38.080,
263 Ordinance 18623, Section 9, and K.C.C. 21A.38.270,
264 Ordinance 10870, Section 582, and K.C.C. 21A.39.010,
265 Ordinance 10870, Section 583, as amended, and K.C.C.
266 21A.39.020, Ordinance 10870, Section 584, as amended,
267 and K.C.C. 21A.39.030, Ordinance 10870, Section 585,
268 and K.C.C. 21A.39.040, Ordinance 10870, Section 586, as
269 amended, and K.C.C. 21A.39.050, Ordinance 10870,
270 Section 587, and K.C.C. 21A.39.060, Ordinance 10870,
271 Section 588, and K.C.C. 21A.39.070, Ordinance 10870,
272 Section 589, and K.C.C. 21A.39.080, Ordinance 10870,
273 Section 590, and K.C.C. 21A.39.090, Ordinance 10870,

274 Section 591, and K.C.C. 21A.39.100, Ordinance 10870,
275 Section 592, and K.C.C. 21A.39.110, Ordinance 10870,
276 Section 593, and K.C.C. 21A.39.120, Ordinance 10870,
277 Section 594, and K.C.C. 21A.39.130, Ordinance 12171,
278 Section 8, and K.C.C. 21A.39.200, Ordinance 10870,
279 Section 628, and K.C.C. 21A.44.070, Ordinance 12171,
280 Section 9, and K.C.C. 21A.44.080, Ordinance 14662,
281 Section 1, as amended, and K.C.C. 21A.55.060, Ordinance
282 17877, Section 1, Ordinance 17877, Section 2, Ordinance
283 17877, Section 3, Ordinance 17878, Section 1, Ordinance
284 17878, Section 2, and Ordinance 17878, Section 3, and
285 Ordinance 16650, Attachment B, and establishing an
286 effective date.

287 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

288 **SECTION 1. Findings:**

289 A. The last statutorily required comprehensive plan review and update mandated
290 by the Washington state Growth Management Act ("the GMA") in RCW 36.70A.130 was
291 met with the 2012 King County Comprehensive Plan in Ordinance 17485.

292 B. The Comprehensive Plan has been amended since 2012, including with
293 adoption of the 2016 King County Comprehensive Plan, as amended.

294 C. The GMA requires King County to take action not later than December 31,
295 2024, to review and, if needed, revise its comprehensive plan and development
296 regulations to ensure the plan and regulations comply with the requirements of the GMA.

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297 This ordinance adopts the 2024 King County Comprehensive Plan ("2024 update"),
298 which is compliant with the GMA and completes this statutorily required review and
299 update.

300 D. The GMA and King County Code requires that King County adopt
301 development regulations that are consistent with and implement the Comprehensive Plan.
302 The changes to development regulations in this ordinance are needed to maintain
303 conformity with the Comprehensive Plan. They bear a substantial relationship to and are
304 necessary for the public health, safety, and general welfare of King County and its
305 residents.

306 E. The changes to zoning contained in this ordinance are needed to maintain
307 conformity with the Comprehensive Plan, as required by the GMA. As such, they bear a
308 substantial relationship to, and are necessary for, the public health, safety, and general
309 welfare of King County and its residents.

310 F. The Shoreline Management Act of 1971, chapter 90.58 RCW, requires King
311 County to develop and administer a shoreline master program. Ordinance 16985 and
312 Ordinance 17485 adopted a comprehensive update of King County's shoreline master
313 program as required by RCW 90.58.080(2). Ordinance 19034 adopted a periodic review
314 of King County's shoreline master program as required by RCW 90.58.080(4).

315 G. The changes included in this ordinance for the shoreline master program
316 constitute a locally initiated amendment allowed under WAC 173-26-090. Changes
317 include updates to shoreline policies and development regulations. Those changes are
318 required to be approved by the Washington state Department of Ecology before they
319 become effective.

320 H. The 2024 update was developed using early and continuous public
321 engagement, as required by the GMA and consistent with the scope of work for the
322 update, approved in 2022 via Motion 16142.

323 I. Ordinance 19384 directed the King County Growth Management Planning
324 Council ("the GMPC") to review the Four-to-One program in the Countywide Planning
325 Policies ("the CPPs"), Comprehensive Plan, and King County Code. The Four-to-One
326 program Comprehensive Plan and King County Code amendments adopted in the 2024
327 update are substantially consistent with the GMPC recommendations for the program and
328 the related changes in the CPPs.

329 J. Motion 16287 directed the executive to complete a code study related to
330 expanded multifamily housing types in low- and medium-density urban residential zones,
331 also known as "middle housing." As required by the motion, a draft of the code study
332 was issued in June 2023 as part of the Public Review Draft of the 2024 update, and a
333 final report and associated recommended King County Code changes were included in
334 the transmittal of the 2024 update.

335 K. Vashon-Maury Island Community Service Area Subarea Plan ("the subarea
336 plan") Workplan Action 1 adopted in Ordinance 18623, as amended, directs the executive
337 to comprehensively review and update the property specific development conditions,
338 which are also known as P-Suffixes, and special district overlays, which are also known
339 as SDOs, on Vashon-Maury Island. Workplan Action 1 required a report and proposed
340 ordinance to implement the recommendations in the report be transmitted to the Council
341 for consideration by June 30, 2022. Due to the COVID-19 pandemic, the timeline for
342 completing the final evaluation was delayed beyond the required date. In 2022, the scope

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343 of work for the 2024 update directed inclusion of the report and King County Code
344 changes as part of the 2024 update. As required by the subarea plan and scope of work,
345 the report and associated recommended King County Code changes were included in the
346 transmittal of the 2024 update.

347 L. Ordinance 18623 adopted the Vashon Rural Town Affordable Housing Special
348 District Overlay ("the overlay") and directed the executive to complete a series of written
349 evaluations assessing the efficacy of the scope and standards of the overlay. As required
350 by Ordinance 18623, preliminary evaluations were issued in 2018, 2019, and 2020. A
351 draft of the fourth and final required evaluation of the Overlay was required to be
352 completed within ninety days of the occurrence of one the following, whichever comes
353 first: issuance of the first permit necessary for construction that would result in a
354 cumulative total of one hundred twenty affordable housing units within the overlay; or
355 four years after the effective date of Ordinance 18623. No permits have been issued up
356 to now utilizing the overlay. Due to the COVID-19 pandemic, the timeline for
357 completing the draft final evaluation was delayed beyond four years and ninety days of
358 the effective date of Ordinance 18623, which would have been March 24, 2022. In 2022,
359 the scope of work for the 2024 update directed inclusion of a report on the fourth and
360 final evaluation and any recommended implementing zoning and King County Code
361 changes as part of the 2024 update. As required by Ordinance 18623 and the scope of
362 work, the report and implementing zoning and King County Code changes were included
363 in the transmittal of the 2024 update.

364 M. The 2016 King County Comprehensive Plan, as amended, included Work
365 Plan Action 17, which directed the executive to update the residential density incentive

366 program in K.C.C. chapter 21A.34 in the 2024 update, as recommended by the related
367 code study included in the transmittal of the 2020 update to the 2016 King County
368 Comprehensive Plan. As required by Work Plan Action 17, this ordinance adopts
369 updates to the residential density incentive program regulations, which repeals the
370 program and replaces it with updated regulations in the voluntary inclusionary housing
371 program in K.C.C. chapter 21A.48.

372 SECTION 2. A. Attachments A through G to this ordinance are adopted as the
373 2024 King County Comprehensive Plan.

374 B. The elements of the 2024 King County Comprehensive Plan in Attachment A to
375 this ordinance are hereby amended to read as set forth in this ordinance and are incorporated
376 herein by this reference.

377 C. The elements of the King County Shoreline Master Program in sections 30, 31,
378 136, 137, 138, 141, 143, 144, 145, 146, and 147 of this ordinance and in King County
379 Comprehensive Plan chapter six of Attachment A to this ordinance are hereby amended to
380 read as set forth in this ordinance and are incorporated herein by this reference.

381 D. Attachment H to this ordinance is adopted as amendments to the Vashon Maury
382 Island Community Service Area Subarea Plan, as adopted in Ordinance 18623 and its
383 attachments and as amended by Ordinances 18810 and 19146.

384 E. The land use and zoning amendments in sections 188 through 191 of this
385 ordinance, section 221-222 of this ordinance, and Attachment I to this ordinance are hereby
386 adopted as amendments to Appendix A to Ordinance 12824, as amended, and as the official
387 land use and zoning controls for those portions of unincorporated King County defined in
388 those sections of this ordinance and attachments to this ordinance.

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

392 G. "Appendix D Growth Targets and the Urban Growth Area" in Technical
393 Appendices Volume 2 to the 1994 King County Comprehensive Plan is hereby readopted
394 as "Appendix D 1994 Growth Targets and the Urban Growth Area."

395 H. "Appendix H Natural Resources" in Technical Appendices Volume 2 to the
396 1994 King County Comprehensive Plan is hereby readopted as "Appendix E 1994
397 Natural Resource Lands."

398 I. "Technical Appendix Q (King County School Siting Task Force report dated
399 March 31, 2012)" in Attachment J to Ordinance 17485 is hereby readopted as "Appendix
400 F (King County School Siting Task Force report dated March 31, 2012)."

401 SECTION 3. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055 are
402 hereby amended to read as follows:

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

408 1. Work in partnership with each county council district to focus on
409 coordinating, enhancing and improving municipal services provided to the county's
410 unincorporated areas. To effectuate this partnership, the executive shall routinely and
411 proactively meet and collaborate with councilmembers representing the unincorporated

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412 area about potential organizational, operational, and other changes to county programs or
413 services that will affect unincorporated area residents;

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

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

417 a. improving the coordination of local services by county agencies through
418 increased collaboration;

419 b. strengthening partnerships between the county, communities, and other
420 entities;

421 c. improving the delivery, responsiveness, and quality of local services to the
422 people, businesses, and communities of unincorporated King County through unified
423 accountability;

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

426 e. strengthening unincorporated communities by supporting local planning and
427 community initiatives; and

428 f. pursuing innovative funding strategies.

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

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

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

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

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

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

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

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

449 d. use the tools and resources developed by the office of equity and racial and
450 social justice to develop the scope of work and to develop, review, amend, adopt, and
451 implement the subarea plan, including, but not limited to, community engagement,
452 language access, and equity impact review tools. The county shall use, at minimum, the
453 "County engages in dialogue" and "County and community work together" levels of
454 engagement as outlined in the office of equity and racial and social justice's Community
455 Engagement Guide for the scoping, development, review, amendment, adoption, and
456 implementation of the subarea plan. The county shall include as an appendix to the

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457 subarea plan information detailing the community engagement completed during the
 458 development of the subarea plan and how the community engagement meets the
 459 requirements of this subsection B.2.d.;

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

464 f. include a review of policies specific to the subarea in the Comprehensive
 465 Plan and previously adopted subarea ((~~or community~~)) plans, and, where appropriate,
 466 transfer policies from those plans to the subarea plan; and

467 g. review the land use designations and zoning classifications in the subarea
 468 geography, including all special district overlays and property-specific development
 469 conditions, and transmit map amendments necessary to implement land use and zoning
 470 updates and the vision and policies within the subarea plan(~~(; and~~

471 ~~h. incorporate by reference the community needs list and associated~~
 472 ~~performance metrics as required in subsection C. of this section)).~~

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

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

478 C.1. The department shall also manage the development and implementation of
 479 the list of services, programs, facilities, and capital improvements that are identified by

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480 the community, known as a community needs list, for each of the subarea geographies in
481 subsection B. of this section. The community needs list shall be the responsibility of the
482 executive to implement. The department of local services, in coordination with the
483 community, shall be responsible for monitoring the implementation of the community
484 needs list.

485 2. Each community needs list shall:

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

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

491 c. be developed, reviewed, prioritized, amended, adopted, and implemented
492 using tools and resources developed by the office of equity and racial and social justice,
493 including, but not limited to, community engagement, language access, and equity impact
494 review tools. The county shall use, at minimum, the (~~"County engages in dialogue"~~
495 ~~and~~) "County and community work together" level(~~(s)~~) of engagement as outlined in the
496 office of equity and racial and social justice's Community Engagement Guide for the
497 development, review, amendment, adoption, and implementation of the community needs
498 list. The county shall include as an appendix to the community needs list information
499 detailing the community engagement completed during the development of the
500 community needs list and how the community engagement meets the requirements of this
501 subsection C.2.c.

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

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- 503 a. An initial catalog shall be compiled that identifies all requests from the
504 community for potential services, programs, and improvements; and
- 505 b. The community service area program shall review the initial catalog and
506 refine this document into a community needs list based on:
- 507 (1) review by the department whether and to what extent the request meets or
508 strengthens the community vision and policies established in the adopted subarea plan
509 and other county plans;
- 510 (2) review by county agencies regarding consistency with other county plans,
511 feasibility, budget constraints, timing, resources needs, and other barriers to
512 implementation; and
- 513 (3) review by the community through ongoing community engagement to
514 identify, discuss, and prioritize community needs;
- 515 c. For each item that is included in the community needs list, the following
516 shall be included:
- 517 (1) the executive, in consultation with the community and the councilmember
518 office or offices that represent the subarea geography, shall propose a prioritization of
519 low, medium, or high priority;
- 520 (2) which county agencies are responsible for implementation; and
- 521 (3) an anticipated timeline for completion that reflects that future resources
522 and budget appropriations may change the timeline. The county shall encourage
523 creativity and flexibility in identifying potential partnerships with and opportunities for
524 others, such as community-based organizations, to meet these needs;

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

532 e. The community needs list shall establish performance metrics to monitor the
533 implementation of the community needs list and the overarching progress towards
534 reaching the twenty-year vision established in the policies of the subarea plan. The
535 performance metrics shall be:

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

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

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

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

544 a. ~~((concurrent with the transmittal of the applicable subarea plan as required~~
545 ~~in subsection B. of this section;~~

546 ~~b.))~~ concurrent with the executive's biennial budget transmittal(~~(:~~

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

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

553 ~~((e-))~~ b. when identified by either the community service area work programs
554 and associated community engagement outlined in subsection D. of this section or the
555 services partnership agreements outlined in subsection E. of this section, or both.

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

562 D.1. The department shall also manage the community service area framework
563 adopted by Ordinance 17139, which shall be called the community service area program.
564 The community service area program shall develop and implement programs and services
565 to help all residents of unincorporated King County be more knowledgeable of, better
566 served by, and heard by King County departments and agencies. The community service
567 area program shall work with all county departments and agencies whose services,
568 programs, and projects are of interest to unincorporated area residents, to promote
569 successful public engagement.

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- 570 2. A work program shall be developed for each subarea geography described in
571 subsection B. of this section and shall:
- 572 a. be consistent with and implement the applicable subarea plan as described in
573 subsection B. of this section, the community needs list in subsection C. of this section,
574 and other county plans;
 - 575 b. address the required elements in Ordinance 17139;
 - 576 c. list potential action items for the area;
 - 577 d. list known planning activities for the area;
 - 578 e. identify public meetings for the area;
 - 579 f. include the current adopted community needs list as required in subsection
580 C. of this section; and
 - 581 g. establish an ongoing communications and community engagement plan
582 using tools and resources developed by the office of equity and racial and social justice,
583 including, but not limited to, community engagement, language access, and equity impact
584 review tools. The county shall use, at minimum, the "County engages in dialogue" and
585 "County and community work together" levels of engagement as outlined in the office of
586 equity and racial and social justice's Community Engagement Guide for the development,
587 review, amendment, adoption, and implementation of the community needs list; and
 - 588 h. establish performance metrics to monitor the implementation of the work
589 program.
- 590 3. The community service area program shall provide regular updates to the
591 councilmember or councilmembers who represent the subarea geography on the progress

592 of the work program throughout the year and shall publish regular reports on the work
593 program to its website((§)) at least once per quarter.

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

595 E.1. The department shall also establish service partnership agreements with each
596 executive branch agency that provides programs, services, or facilities in the
597 unincorporated area, including those agencies that provide regional services to
598 unincorporated area residents and businesses. The service partnership agreements shall
599 inform budget development for programs, services, or facilities in the unincorporated
600 area.

601 2. Service partnerships agreements shall:

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

605 b. use tools and resources developed by the office of equity and racial and
606 social justice by the partner agency to deliver the programs, services, and facilities
607 described in the service partnership agreements((§)).

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

609 a. roles and responsibilities for the department of local services and the partner
610 agency;

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

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- 614 c. goals for the partner agency to achieve the emphasis on local service
615 delivery described in Motion 15125 and this section, including:
- 616 (1) the desired outcomes for provision of each program, service, or facility;
617 and
- 618 (2) service level goals for each program, service, or facility;
- 619 d. performance metrics to monitor progress of implementing the outcomes and
620 service level goals for each program, service, or facility;
- 621 e. use of the community service area work programs in local service delivery
622 by the partner agency; and
- 623 f. the current adopted community needs lists and associated performance
624 metrics for monitoring and reporting on the progress the county agencies have made on
625 items on the lists that they are responsible for.
- 626 4. ~~((A schedule for completing the service partnership agreements with county
627 agencies shall be established as part of the executive's proposed 2021-2022 biennial
628 budget and is subject to council approval by motion. The schedule is expected to show
629 service partnership agreements with all required agencies in effect no later than
630 transmittal of the executive's proposed 2023-2024 biennial budget.~~
- 631 5.)) The service partnership agreements, after they are established, shall be
632 updated concurrent with the development of the biennial budget and shall be transmitted
633 to the council as part of the supporting material for the executive's proposed biennial
634 budget. In addition to the requirements for service partnership agreements described in
635 subsection E. of this section, the updates shall include evaluation and reporting on the

636 goals and performance metrics identified in the previous service partnership agreement
637 and in the community needs list.

638 F. Until an ordinance that makes changes to the King County Code required in
639 Ordinance 18791, Section 217, is effective, the permitting division shall be considered
640 the successor agency to the department of permitting and environmental review.
641 Therefore, upon effectiveness of Ordinance 18791 and until an ordinance required by
642 Ordinance 18791, Section 217, is effective, where the code states or intends a decision to
643 be made or action to be implemented by the department of permitting and environmental
644 review, those decisions or actions shall be performed by the permitting division.

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

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

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

651 c. administering the ((s))State Environmental Policy Act and acting as lead
652 agency, including making the threshold determinations, determining the amount of
653 environmental impact and reasonable mitigation measures and coordinating with other
654 departments and divisions in the preparation of county environmental documents or in
655 response to environmental documents from other agencies;

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

- 659 subdivision, right-of-way use, (~~urban planned development,~~) clearing and grading,
660 shoreline, special use, and conditional use applications;
- 661 e. pursuing and resolving code violations, including preparing for
662 administrative or legal actions, evaluating the department's success in obtaining
663 compliance with King County rules and regulations, and designing measures to improve
664 compliance;
- 665 f. regulating the operation, maintenance, and conduct of county-licensed
666 businesses, except taxicab and for-hire drivers and vehicles; and
- 667 g. developing and implementing an inspection program to identify fire hazards
668 and require conformance with K.C.C. Title 17, reviewing building plans and applications
669 for compliance with K.C.C. Title 17, and conducting inspections, including inspections of
670 new construction, for compliance with K.C.C. Title 17.
- 671 2. The permitting division manager shall be the:
- 672 a. county planning director;
- 673 b. zoning adjuster;
- 674 c. responsible official for purposes of administering the ~~(§)~~State
675 Environmental Policy Act;
- 676 d. county building official; and
- 677 e. county fire marshal.
- 678 3. The manager may delegate the functions in subsection G.2. of this section to
679 qualified subordinates.
- 680 H. The road services division is responsible for designing, constructing,
681 maintaining, and operating a comprehensive system of roadways and other transportation
-

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

- 685 1. Designing, constructing, and maintaining county roads, bridges, and
686 associated drainage facilities;
- 687 2. Designing, installing, and maintaining county traffic signs, markings, and
688 signals;
- 689 3. Designing, installing, and maintaining bicycle and pedestrian facilities;
- 690 4. Managing intergovernmental contracts or agreements for services related to
691 road maintenance and construction and to other transportation programs supporting the
692 transportation plan;
- 693 5. Inspecting utilities during construction and upon completion for compliance
694 with standards and specifications(~~(- assuring)~~), and ensuring that public facilities
695 disturbed due to construction are restored;
- 696 6. Performing detailed project development of roads capital improvement
697 projects that are consistent with the transportation element of the county's Comprehensive
698 Plan, and coordinating such programming with other county departments and divisions
699 assigned responsibilities for Comprehensive Plan implementation;
- 700 7. Incorporating into the roads capital improvement program those projects
701 identified in the transportation needs report, (~~(community plans,)~~) related functional
702 plans, and elsewhere consistent with the county's Comprehensive Plan;
- 703 8. Preparing, maintaining, and administering the county road standards;

704 9. Preparing and administering multiyear roads maintenance and capital
705 construction plans and periodic updates;

706 10. Administering the transportation concurrency and mitigation payment
707 programs; and

708 11.a. Performing the duties of the office of the county road engineer, which is
709 hereby established as an administrative office of the road services division. The office of
710 the county road engineer shall be an office of record, supervised by the county road
711 engineer hired in accordance with RCW 36.80.010 and reporting to the manager of the
712 road services division. The office of the county road engineer shall be located within the
713 corporate limits of the county seat.

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

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

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726 SECTION 4. Ordinance 18326, Section 3, and K.C.C. 6.70.010 are hereby amended
727 to read as follows:

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

733 SECTION 5. Ordinance 18326, Section 4, and K.C.C. 6.70.020 are hereby amended
734 to read as follows:

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

740 SECTION 6. Ordinance 18326, Section 5, and K.C.C. 6.70.030 are hereby amended
741 to read as follows:

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

748 A. The full name, birthdate, and current residential street, email, and mailing
749 address of each person, including all partners if the applicant is a partnership, and all
750 officers or ((~~principles~~) principals) if the applicant is a corporation or limited liability
751 company, with a financial interest in the business; and the Universal Business Identifier
752 number, the identity of the registered agent, and the address of the ((~~principle~~) principal)
753 office, if the applicant is a corporation or limited liability company;

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

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

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

762 SECTION 7. Ordinance 18326, Section 6, as amended, and K.C.C. 6.70.040 are
763 hereby amended to read as follows:

764 An applicant for a retail ((~~marijuana~~) cannabis) business license or renewal under
765 this chapter shall pay an application fee at the time of application submittal. The
766 nonrefundable application fee for a retail ((~~marijuana~~) cannabis) business license or
767 renewal is one thousand dollars. The nonrefundable application fee for a retail
768 ((~~marijuana~~) cannabis) business license or renewal shall be reduced by fifty percent if, at
769 the time of application, the applicant shows proof of a current medical ((~~marijuana~~)
770 cannabis) endorsement issued by the Washington state Liquor and Cannabis Board.

771 SECTION 8. Ordinance 18326, Section 8, as amended, and K.C.C. 6.70.060 are
772 hereby amended to read as follows:

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

779 SECTION 9. Ordinance 18326, Section 9, and K.C.C. 6.70.070 are hereby amended
780 to read as follows:

781 Within thirty days of the director's receipt of a complete retail ((~~marijuana~~))
782 cannabis business license application, the director shall issue or deny the license. Within
783 thirty days of the director's receipt of a complete renewal application, the director shall
784 issue or deny the renewal.

785 SECTION 10. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are
786 hereby amended to read as follows:

787 The definitions in this section apply throughout this chapter unless the context
788 clearly requires otherwise.

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

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793 B. "Applicant" means a property owner or a public agency or public or private
794 utility that owns a (~~right-of-way~~) right of way or other easement or has been adjudicated
795 the right to such an easement under RCW 8.12.090, or any person or entity designated or
796 named in writing by the property or easement owner to be the applicant, in an application
797 for a development proposal, permit or approval.

798 C. "Basin" means a geographic area that contains and drains to a stream or river
799 named and noted on common maps, such as the Cedar river, Sammamish river, Green river,
800 Snoqualmie river, Skykomish river, or White river, or a geographic area that drains to a
801 nonflowing water body named and noted on common maps, such as Lake Washington or
802 Puget Sound.

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

807 E. "Best management practice" or "BMP" means any schedule of activities,
808 prohibition of practices, maintenance procedure, or structural and(~~or~~) managerial practice
809 approved by King County, or any combination thereof, that, when used singly or in
810 combination, prevents or reduces the release of pollutants and other adverse impacts to
811 surface water, stormwater, and groundwater.

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

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

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

824 I. "Conveyance system" means the drainage facilities and features, both natural and
825 constructed, that provide for the collection and transport of surface water or stormwater
826 runoff. The natural elements of the "conveyance system" include swales and small drainage
827 courses, streams, rivers, lakes, and wetlands. The constructed elements of the "conveyance
828 system" include gutters, ditches, pipes, catch basins, channels, and most flow control and
829 water quality facilities.

830 J. "Department" means the department of natural resources and parks or its
831 successor.

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

838 L. "Directed drainage review" means the drainage review for a proposed single-
839 family residential project or agricultural project that is not subject to simplified or large
840 project drainage review.

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

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

846 O. "Drainage facility" means a constructed or engineered feature that collects,
847 conveys, stores, treats, or otherwise manages stormwater runoff or surface water. "Drainage
848 facility" includes, but is not limited to, a constructed or engineered stream, lake, wetland or
849 closed depression, or a pipe, channel, ditch, gutter, flow control facility, flow control BMP,
850 water quality facility, erosion and sediment control facility, and any other structure and
851 appurtenance that provides for drainage.

852 P. "Drainage review" means an evaluation by King County staff of a proposed
853 project's compliance with the drainage requirements in the Surface Water Design Manual.
854 The types of drainage review include((:)) simplified drainage review, targeted drainage
855 review, directed drainage review, full drainage review, and large project drainage review.

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

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

861 compliance with the King County Code; or provide secured warranty of materials, quality of
862 work of the improvements and design. "Financial guarantees" include assignments of funds,
863 cash deposit, surety bonds, or other forms of financial security acceptable to the department
864 of local services permitting division manager or designee. "Performance guarantee,"
865 "maintenance guarantee," and "defect guarantee" are considered subcategories of financial
866 guarantee.

867 S. "Flood hazard management plan" means a plan and all implementing goals,
868 objectives, guiding principles, policies, and programs, including, but not limited to, capital
869 projects, public outreach and education activities, and enforcement programs for reduction
870 of flood risks and prepared in accordance with RCW 86.12.200.

871 T. "Flow control BMP" means small scale drainage facility or feature that is part of
872 a development site strategy to use processes such as infiltration, dispersion, storage,
873 evaporation, transpiration, forest retention, and reduced impervious surface (~~foot print~~)
874 footprint to mimic predeveloped hydrology and minimize (~~stormwater~~) stormwater runoff.
875 "Flow control BMPs" include the methods and designs specified in the Surface Water
876 Design Manual. Flow control BMPs are also known as low impact development, or LID,
877 BMPs.

878 U. "Flow control facility" means a drainage facility designed in accordance with the
879 drainage requirements in this chapter to mitigate the impacts of increased stormwater runoff
880 generated by site development. A "flow control facility" is designed either to hold water for
881 a considerable length of time and then release it by evaporation, plant transpiration, or
882 infiltration into the ground or to hold runoff for a short (~~period of~~) time and then release it
883 to the conveyance system.

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

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

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

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

892 X. "High-use site" means the area of a commercial, industrial, or road intersection
893 site that generates a higher than average number of vehicle turnovers or has other

894 characteristics that generate the potential for chronic oil accumulation. "High use site"

895 includes:

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

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

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

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

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

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

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

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

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

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

931 DD. "Large project drainage review" means the evaluation required by K.C.C.
932 9.04.030 for any proposed project that:

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

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

938 ~~((3.))~~ 2. Has a project site of fifty acres or more within a critical aquifer recharge
939 area, as defined in K.C.C. Title 21A.

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

942 FF. "Maintenance" means those usual activities taken to prevent a decline, lapse, or
943 cessation in the use of currently serviceable structures, facilities, equipment, or systems, if
944 there is no expansion of the structure, facilities, equipment, or system and there are no
945 significant hydrologic impacts. "Maintenance" includes the repair or replacement of
946 nonfunctional facilities or the replacement of existing structures with different types of
947 structures, if the repair or replacement is required by one or more environmental permits or
948 to meet current engineering standards and the functioning characteristics of the original
949 facility or structure are not changed.

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

953 HH. "Native vegetated surface" means a surface in which the soil conditions,
954 ground cover, and species of vegetation are like those of the original native condition for the
955 site, as more specifically ~~((set forth))~~ established in the Surface Water Design Manual.

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

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

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

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

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

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

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

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

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

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

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

1000 2. Has an existing impervious surface coverage of thirty-five percent or more.

1001 RR. "Replaced impervious surface" means an existing impervious surface proposed
1002 to be removed and reestablished as impervious surface, excluding impervious surface
1003 removed for the sole purpose of installing utilities or performing maintenance. For
1004 structures, "removed" means the removal of buildings down to the foundation. For other
1005 impervious surfaces, "removed" means the removal down to base course or bare soil. For
1006 purposes of this definition, "base course" means the layer of crushed rock that typically
1007 underlies an asphalt or concrete pavement.

1008 SS. "Salmon conservation plan" means a plan and all implementing regulations and
1009 procedures including, but not limited to, land use management adopted by ordinance, capital
1010 projects, public education activities, and enforcement programs for conservation and
1011 recovery of salmon within a water resource inventory area designated by the state under
1012 WAC 173-500-040.

1013 TT. "Shared facility" means a drainage facility designed to meet one or more of the
1014 requirements of K.C.C. 9.04.050 for two or more separate projects contained within a basin.
1015 "Shared facilities" usually include shared financial commitments for those drainage
1016 facilities.

1017 UU. "Simplified drainage review" means the drainage review for a proposed single-
1018 family residential project or agricultural project that:

1019 1. Would result in impervious and new pervious surface insufficient to require a
1020 flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface Water
1021 Design Manual; and

1022 2. Meets the simplified drainage requirements and BMPs specified in the Surface
1023 Water Design Manual, including flow control BMPs, construction stormwater pollution
1024 prevention BMPs, and drainage plan submittal requirements.

1025 VV. "Site" means a single parcel, or either two or more contiguous parcels that are
1026 under common ownership or documented legal control, or a portion of single parcel under
1027 documented legal control separate from the remaining parcel, used as a single parcel for a
1028 proposed project for purposes of applying for authority from King County to carry out a
1029 proposed project. For projects located primarily within dedicated rights-of-way, "site"
1030 includes the entire width of (~~(right-of-way)~~) right of way subject to improvements proposed
1031 by the project.

1032 WW. "Stormwater" means the water produced during precipitation or snowmelt,
1033 (~~(which)~~) that runs off, soaks into the ground, or is dissipated into the atmosphere.
1034 Stormwater that runs off or soaks into the ground ultimately becomes surface water or
1035 groundwater.

1036 XX. "Stormwater compliance plan" means a plan or study and all regulations and
1037 procedures that have been adopted by the county to implement the plan or study, including,
1038 but not limited to, capital projects, public education activities, and enforcement programs for
1039 managing stormwater quantity and quality discharged from the county's municipal separate

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1040 storm sewer system in compliance with the National Pollutant Discharge Elimination
1041 System permit program under the Clean Water Act.

1042 YY. "Stormwater runoff" means stormwater that flows over, or just below, the
1043 surface where it fell or melted. "Stormwater runoff" contributes to and becomes surface
1044 water or groundwater.

1045 ZZ. "Subbasin" means a geographic area that:

- 1046 1. Drains to a stream or water body named and noted on common maps; and
- 1047 2. Is contained within the basin of the stream or water body.

1048 AAA. "Surface water" means the water that exists on land surfaces before, during,
1049 and after stormwater runoff occurs and includes, but is not limited to, the water found on
1050 ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes,
1051 wetlands, and Puget Sound. ((H)) "Surface water" also includes shallow groundwater.

1052 BBB. "Surface Water Design Manual" means the manual, and supporting
1053 documentation referenced or incorporated in the manual, describing surface and stormwater
1054 design and analysis requirements, procedures, and guidance. The "Surface Water Design
1055 Manual" is formally adopted by rule under the procedures of K.C.C. chapter 2.98 and is
1056 available from the department of local services, permitting division, or the department of
1057 natural resources and parks, water and land resources division, or their successors.

1058 CCC. "Targeted drainage review" means an abbreviated evaluation required by
1059 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large
1060 project drainage review. Targeted drainage review may be required for some projects in
1061 simplified drainage review.

1062 DDD. "Water quality facility" means a drainage facility designed in accordance
1063 with the drainage requirements in this chapter to mitigate the impacts of increased pollutants
1064 in stormwater runoff generated by site development. A "water quality facility" uses
1065 processes that include, but are not limited to, settling, filtration, adsorption, and absorption
1066 to decrease pollutant concentrations and loadings in stormwater runoff.

1067 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 14.01 a
1068 new section to read as follows:

1069 "Active transportation" means pedestrian, bicycle, and equestrian travel including,
1070 but not limited to, the use of wheelchairs and personal assistive mobility devices powered
1071 by electricity that are used by physically impaired persons, skateboards and scooters, and
1072 micromobility devices such as motorized foot scooters and electric assisted bicycles; any
1073 moped, motorcycle, or, except as otherwise provided for in this definition, personal
1074 assistive mobility device, are considered motorized transportation. The Regional Trail
1075 network, and its use, is for both recreation and transportation purposes. Not all facilities
1076 are appropriate for all modes and may have restrictions on the use of any mode.

1077 SECTION 12. Ordinance 18420, Section 37, and K.C.C. 14.01.360 are hereby
1078 amended to read as follows:

1079 "Transportation facilities" means principal, minor, and collector arterial roads and
1080 state highways, as well as associated sidewalks, bike lanes, and other facilities supporting
1081 ~~((nonmotorized travel))~~ active transportation. Not all facilities are appropriate for all
1082 modes and may have restrictions on the use of any mode.

1083 SECTION 13. Ordinance 18420, Section 61, as amended, and K.C.C. 14.40.0104
1084 are hereby amended to read as follows:

1085 A. Upon receipt of a petition, the county road engineer shall determine whether
1086 owners of the majority of the lineal footage of the frontage of the right of way proposed
1087 for vacation have signed the petition. If the county road engineer determines the
1088 signatories of the petition own less than the majority of the lineal footage of the frontage
1089 of the right of way proposed for vacation, the county road engineer shall notify the
1090 petitioners that the petition does not have sufficient signatories. The petitioners shall
1091 have thirty days from the date of that notice to supplement the petition by filing with the
1092 department of local services, road services division, a sufficient number of additional
1093 petition signatures to establish that a majority of owners of the lineal footage of the
1094 frontage of the right of way proposed for vacation support the petition. Failure to include
1095 the signature of a majority the owners of the lineal footage of the frontage of the right of
1096 way proposed for vacation is grounds for the county road engineer to find that the
1097 petition is deficient. In that event, no further action will be taken on the petition and the
1098 county road engineer shall inform the petitioners of the determination.

1099 B. If either directed by the council in accordance with K.C.C. 14.40.010.A., or if
1100 under subsection A. of this section the county road engineer determines that a petition is
1101 valid, then the county road engineer shall examine the right of way proposed to be
1102 vacated and abandoned and complete a report that complies with the requirements in
1103 RCW 36.87.040, including the county road engineer's opinion of whether the right of
1104 way should be vacated. The report should address:

- 1105 1. Whether the county right of way should be vacated and abandoned;
- 1106 2. Whether the county right of way is in use or has been in use;
- 1107 3. The condition of the right of way;

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1108 4. Whether it is advisable to preserve all or a portion of the right of way for the
1109 county (~~(transportation)~~) road system of the future;

1110 5. Whether the public will be benefited by the vacation of the county right of
1111 way;

1112 6. The appraised value of the county right of way or portion thereof proposed
1113 for vacation as well as the county road engineer's recommendation for compensation to
1114 be determined in accordance with the factors listed in K.C.C. 14.40.020.A.;

1115 7.a. Whether the proposed county right of way to be vacated serves as access to
1116 property abutting the county right of way that is subject of the vacation request; and

1117 b. a recommendation for requiring access easements for all abutting properties
1118 as a condition of granting the vacation;

1119 8.a. Whether the proposed county right of way to be vacated contains utilities;
1120 and

1121 b. a recommendation for retaining an easement for the construction, repair, and
1122 maintenance of public utilities and services that are authorized at the time the ordinance
1123 is adopted or are physically located on a portion of the right of way being vacated;

1124 9. Other matters that may be of interest, including any fees charged under
1125 K.C.C. 14.40.0106.B.;

1126 10. Whether the proposed area to be vacated abuts a body of salt or fresh water
1127 as (~~(set forth)~~) established in RCW 36.87.130;

1128 11. A list of the property owners whose property abuts the county right of way
1129 or any portion thereof proposed for vacation who are not petitioners; and

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1130 12. If not waived in accordance with K.C.C. 14.40.106.C. a list of all costs
1131 incurred in preparing the report.

1132 C. Upon completion of the report by the county road engineer, the executive shall
1133 transmit the report, any petition, and a proposed ordinance to the council. The hearing
1134 examiner is appointed by the council to conduct the public hearing of any proposed
1135 vacation of a county right of way.

1136 SECTION 14. Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020 are
1137 hereby amended to read as follows:

1138 There is established an active transportation program. The
1139 program shall consist of the active transportation policies in the King
1140 County Comprehensive Plan and the respective functional plans of the responsible county
1141 agencies, active transportation project needs contained in agency capital
1142 improvement programs and operational activities that:

1143 A. Identify and document the active transportation needs in the
1144 county ~~((for bicyclists, pedestrians, equestrians and))~~, emphasizing special populations
1145 such as school children or people with limited mobility and wheelchair users;

1146 B. Determine ways that active transportation can be integrated
1147 into the current and future county transportation network and services, including transit;

1148 C. Inform and educate the public on issues relating to active
1149 transportation, including compliance with traffic laws; and

1150 D. Consider active transportation safety and other needs in all
1151 related county programs, and encourage the same consideration on an interlocal and
1152 regional basis.

1153 SECTION 15. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are
1154 hereby amended to read as follows:

1155 The department of local services shall:

1156 A. Implement the ((~~nonmotorized~~)) active transportation program;

1157 B. Provide support to any ad hoc ((~~nonmotorized~~)) active transportation advisory
1158 committee; and

1159 C. Work with other authorities and nongovernmental organizations to identify,
1160 develop and promote programs that encourage the use of ((~~nonmotorized~~)) active modes
1161 of transportation.

1162 SECTION 16. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are
1163 hereby amended to read as follows:

1164 ((~~Certain words and phrases used in this chapter, unless otherwise clearly indicated~~
1165 ~~by their context, mean as follows:~~)) The definitions in this section apply throughout this
1166 chapter unless the context clearly requires otherwise.

1167 A. "Applicant" means a property owner or a public agency or public or private
1168 utility that owns a ((~~right-of-way~~)) right of way or other easement or has been adjudicated
1169 the right to such an easement in accordance with RCW 8.12.090, or any person or entity
1170 designated or named in writing by the property or easement owner to be the applicant, in an
1171 application for a development proposal, permit, or approval.

1172 B. "Bench" means a relatively level step excavated or constructed on the face of a
1173 graded slope surface for drainage and maintenance purposes.

1174 C. "Civil engineer" means an engineer who is licensed as a professional engineer in
1175 the branch of civil engineering by the state of Washington.

1176 D. "Clearing and grading permit" means the permit required by this chapter for
1177 grading and clearing activities, including temporary permits.

1178 E. "Clearing" means the cutting, killing, grubbing, or removing of vegetation or
1179 other organic material by physical, mechanical, chemical, or any other similar means.

1180 ~~((E.))~~ F. "Compaction" means the densification of a fill by mechanical means.

1181 ~~((F.))~~ G. "Cutting" means the severing of the main trunk or stem of woody
1182 vegetation at any point.

1183 ~~((G.))~~ H. "Department" means the department of local services or its successor.

1184 ~~((H.))~~ I. "Director" means the department of local services permitting division
1185 manager or designee.

1186 ~~((I.))~~ J. "Earth material" means any rock~~((;))~~ or natural soil, or any combination
1187 thereof.

1188 ~~((J.))~~ K. "Erosion" means the wearing away of the ground surface as the result of
1189 the movement of wind, water, or ice.

1190 ~~((K.))~~ L. "Excavation" means the removal of earth material.

1191 ~~((L.))~~ M. "Fill" means a deposit of earth material or recycled or reprocessed waste
1192 material consisting primarily of organic or earthen materials, or any combination thereof,
1193 placed by mechanical means.

1194 ~~((M.))~~ N. "Geotechnical engineer" means an engineer who is licensed as a
1195 professional engineer by the state of Washington and who has at least four years of relevant
1196 professional employment.

1197 ~~((N.))~~ O.1. "Grade" means the elevation of the ground surface.

1198 ~~((O.))~~ 2. "Existing grade" means the grade before grading.

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- 1199 ~~((2-))~~ 3. "Finish grade" means the final grade of the site that conforms to the
 1200 approved plan as required in K.C.C. 16.82.060.
- 1201 ~~((3-))~~ 4. "Rough grade" means the stage at which the grade approximately
 1202 conforms to the approved plan as required in K.C.C. 16.82.060.
- 1203 ~~((Q-))~~ P. "Grading" means any excavating, filling or land-disturbing activity, or
 1204 combination thereof.
- 1205 ~~((P. "Grading and clearing permit" means the permit required by this chapter for
 1206 grading and clearing activities, including temporary permits.))~~
- 1207 Q. "Habitable space" means a space in a building for living, sleeping, eating, or
 1208 cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces, and similar areas
 1209 are not "habitable spaces."
- 1210 R. "Land disturbing activity" means an activity that results in a change in the
 1211 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.
- 1212 ~~((R-))~~ S. "Pruning" means cutting or removal of branches and leaving at least two-
 1213 thirds of the existing tree branch structure.
- 1214 T. "Reclamation" means the final grading and restoration of a site to establish the
 1215 vegetative cover, soil surface water and groundwater conditions appropriate to
 1216 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.
- 1217 ~~((S-))~~ U. "Shorelines" means those lands defined as shorelines in the state
 1218 Shoreline((s)) Management Act of 1971, chapter 90.58 RCW.
- 1219 ~~((T-))~~ V. "Site" means a single lot or parcel of land two or more contiguous lots that
 1220 are under common ownership or documented legal control, used as a single parcel for a

1221 development proposal in order to calculate compliance with the standards and regulations of
1222 this chapter. For purposes of this definition:

1223 1. "Documented legal control" includes fee simple or leasehold rights, or an
1224 easement, or any combination thereof, that allows uses associated with the overall
1225 development proposal; and

1226 2. Lots that are separated only by a public road (~~(right-of-way)~~) right of way shall
1227 be considered to be contiguous.

1228 ~~((U.))~~ W. "Slope" means inclined ground surface, the inclination of which is
1229 expressed as a ratio of horizontal distance to vertical distance.

1230 ~~((V.))~~ X. "Structural engineer" means an engineer who is licensed as a professional
1231 engineer in the branch of structural engineering by the state of Washington.

1232 ~~((W.))~~ Y. "Structure" means that which is built or constructed, an edifice or building
1233 of any kind, or any piece of work artificially built up or composed of parts jointed together
1234 in some definite manner.

1235 ~~((X.))~~ Z. "Tree" means a large woody perennial plant usually with a single main
1236 stem or trunk and generally over twelve feet tall at maturity.

1237 ~~((Y.))~~ AA. "Tree crown" means the primary and secondary branches growing out
1238 from the main stem, together with twigs and foliage.

1239 BB. "Understory" means the vegetation layer of a forest that includes shrubs, herbs,
1240 grasses and grass-like plants, but excludes native trees.

1241 ~~((Z.))~~ CC. "Vegetation" means any organic plant life growing at, below or above the
1242 soil surface.

1243 DD. "Wildfire risk assessment certification" means completion of a National Fire
1244 Protection Association Assessing Structure Ignition Potential training, a National Fire
1245 Protection Association Certified Wildfire Mitigation Specialist certification program, or a
1246 National Wildfire Coordinating Group S-215 training on Fire Operations in the Wildland
1247 Urban Interface.

1248 SECTION 17. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are
1249 hereby amended to read as follows:

1250 A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply
1251 to the activities described in this section, if the terms are not defined in K.C.C. 16.82.020.

1252 B. The ~~((following))~~ activities in subsection D. of this section are ~~((excepted))~~
1253 exempted from the requirement of obtaining a clearing or grading permit before undertaking
1254 forest practices or clearing or grading activities, as long as those activities conducted in
1255 critical areas are in compliance with the standards in this chapter and in K.C.C. chapter
1256 21A.24. Activities not requiring a clearing and grading permit may require other permits,
1257 including, but not limited to, a floodplain development permit.

1258 C. Clearing and grading permit requirement exemptions shall be interpreted as
1259 follows:

1260 1. The use of "NP" in a cell means that no clearing or grading permit is required if
1261 the listed conditions are met;

1262 2. A number in a cell means the numbered condition in subsection E. of this
1263 section applies, and:

1264 a. where a series of numbers separated by commas are in a cell, each of the
1265 numbered conditions for that activity applies; and

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1266 b. if more than one letter-number combination appears in a cell, at least one
 1267 letter-number combinations shall be met for a given exemption to apply;

1268 3. In cases where an activity may be included in more than one activity category,
 1269 the most-specific description of the activity shall govern whether a permit is required((-);

1270 4. For activities involving more than one critical area, compliance with the
 1271 conditions applicable to each critical area is required((-); and

1272 5. Clearing and grading permits are required when a cell in this table is empty and
 1273 for activities not listed on the table. ((Activities not requiring a clearing and grading permit
 1274 may require other permits, including, but not limited to, a floodplain development permit.))

1275 D. Clearing and grading permit requirement exemption.

(("NP" in a cell means no clearing or grading permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies.)) "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	Out of Critical Area ((Land)) and Buffer	Coal Mine Hazard	Erosion Hazard	Flood Hazard	Channel Migration	Landslide Hazard Buffer	Seismic Hazard	Volcanic Hazard	Steep Slope Hazard Buffer	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and Buffer	Wildlife Area and Buffer
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2		NP 1, 2			

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

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

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Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13			NP 13	NP 13	NP 13	NP 13	NP 13

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

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- 1277 1. Excavation less than five feet in vertical depth, or fill less than three feet in
1278 vertical depth that, cumulatively over time, does not involve more than one hundred cubic
1279 yards on a single site.
- 1280 2. Grading that produces less than two thousand square feet of new impervious
1281 surface on a single site added after January 1, 2005, or that produces less than two thousand
1282 square feet of replaced impervious surface or less than two thousand square feet of new plus
1283 replaced impervious surface after October 30, 2008. For purposes of this subsection
1284 ~~((C.))~~E.2., "new impervious surface" and "replaced impervious surface" are defined in
1285 K.C.C. 9.04.020.
- 1286 3. Cumulative clearing of less than seven thousand square feet on a single site
1287 since January 1, 2005, including, but not limited to, collection of firewood and removal of
1288 vegetation for fire safety. This exception shall not apply to development proposals:
- 1289 a. regulated as a Class IV forest practice under chapter 76.09 RCW;
1290 b. in a critical drainage areas established by administrative rules;
1291 c. subject to clearing limits included in property-specific development standards
1292 and special district overlays under K.C.C. chapter 21A.38; or
1293 d. subject to urban growth area significant tree retention standards under K.C.C.
1294 16.82.156 and K.C.C. Title 21A~~((38.230))~~.
- 1295 4. Cutting firewood for personal use in accordance with a forest management plan
1296 or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this
1297 condition, personal use shall not include the sale or other commercial use of the firewood.
- 1298 5. Limited to material at any solid waste facility operated by King County.
- 1299 6. Allowed to prevent imminent danger to persons or structures.

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1300 7. Cumulative clearing of less than seven thousand square feet annually or
1301 conducted in accordance with an approved farm management plan, forest management plan,
1302 or rural stewardship plan.

1303 8. Cumulative clearing of less than seven thousand square feet and either:

1304 a. conducted in accordance with a farm management plan, forest management
1305 plan or a rural stewardship plan; or

1306 b. limited to removal with hand labor.

1307 9. When ~~(conducted)~~ conducted as a Class I, II, III or IV-S forest practice as
1308 defined in chapter 76.09 RCW and Title 222 WAC.

1309 10. If done in compliance with K.C.C. 16.82.065.

1310 11. Only when conducted by or at the direction of a government agency in
1311 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less
1312 than two thousand square feet of new impervious surface on a single site added after January
1313 1, 2005, and is not within or does not directly discharge to an aquatic area or wetland. For
1314 purposes of this subsection C.11., "new impervious surface" is defined in K.C.C. 9.04.020.

1315 12. Limited to clearing conducted by or at the direction of a government agency or
1316 by a private utility that does not involve:

1317 a. slope stabilization or vegetation removal on slopes; or

1318 b. ditches that are used by salmonids.

1319 13. In conjunction with normal and routine maintenance activities, if:

1320 a. there is no alteration of a ditch or aquatic area that is used by salmonids:

1321 b. the structure, condition or site maintained was constructed or created in

1322 accordance with law; and

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- 1323 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
1324 culvert, or other improved area being maintained.
- 1325 14. If a culvert is used by salmonids or conveys water used by salmonids and there
1326 is no adopted farm management plan, the maintenance is limited to removal of sediment and
1327 debris from the culvert and its inlet, invert, and outlet and the stabilization of the area within
1328 three feet of the culvert where the maintenance disturbed or damaged the bank or bed and
1329 does not involve the excavation of a new sediment trap adjacent to the inlet.
- 1330 15. If used by salmonids, only in compliance with an adopted farm plan in
1331 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:
- 1332 a. The King Conservation District;
- 1333 b. King County department of natural resources and parks;
- 1334 c. King County department of local services, permitting division; or
- 1335 d. Washington state Department of Fish and Wildlife.
- 1336 16. Only if consistent with an adopted farm plan in accordance with K.C.C. Title
1337 21A.
- 1338 17. Only if consistent with a farm plan.
- 1339 18. In accordance with a ((franchise)) right-of-way construction permit.
- 1340 19. Only within the roadway in accordance with a ((franchise)) right-of-way
1341 construction permit.
- 1342 20. When:
- 1343 a. conducted by a public agency;
- 1344 b. the height of the facility is not increased;
- 1345 c. the linear length of the facility is not increased;
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- 1346 d. the footprint of the facility is not expanded waterward;
- 1347 e. done in accordance with the Regional Road Maintenance Guidelines;
- 1348 f. done in accordance with the adopted King County Flood Hazard Management
- 1349 Plan and the Integrated Streambank Protection Guidelines (Washington State Aquatic
- 1350 Habitat Guidelines Program, 2002); and
- 1351 f. monitoring is conducted for three years following maintenance or repair and an
- 1352 annual report is submitted to the department.
- 1353 21. Only if:
- 1354 a. the activity is not part of a mitigation plan associated with another development
- 1355 proposal or is not corrective action associated with a violation; and
- 1356 b. the activity is sponsored or ~~((co-sponsored))~~ cosponsored by a ~~((public))~~
- 1357 government agency that has natural resource management as its primary function ~~((or a~~
- 1358 ~~federally recognized tribe,))~~ and the activity is limited to:
- 1359 (1) revegetation of the critical area and its buffer with native vegetation or the
- 1360 removal of noxious weeds or invasive vegetation;
- 1361 (2) placement of weirs, log controls, spawning gravel, woody debris, and other
- 1362 specific salmonid habitat improvements;
- 1363 (3) hand labor except:
- 1364 (a) the use of riding mower or light mechanical cultivating equipment and
- 1365 herbicides or biological control methods when prescribed by the King County noxious weed
- 1366 control board for the removal of noxious weeds or invasive vegetation; or
- 1367 (b) the use of helicopters or cranes if they have no contact with or otherwise
- 1368 disturb the critical area or its buffer.
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- 1369 22. If done with hand equipment and does not involve any clearing.
- 1370 23. Limited to ~~((removal of vegetation for forest fire prevention purposes in~~
1371 ~~accordance with best management practices approved by the King County fire marshal))~~
1372 tree and vegetation clearing for the purposes of wildfire preparedness, except tree and
1373 vegetation clearing subject to K.C.C. 16.82.156 or K.C.C. Title 21A or otherwise requiring a
1374 permit, including, but not limited to, alterations within critical areas, as follows:
- 1375 a. Within thirty feet of a residential structure containing habitable space, the
1376 following is allowed:
- 1377 (1) vegetation removal:
- 1378 (a) within fifteen feet of the furthest attached exterior point of a residential
1379 structure containing habitable space or a deck;
- 1380 (b) within ten feet of an installed above ground propane or liquefied petroleum
1381 gas tank; and
- 1382 (c) underneath a tree crown to provide up to ten feet of clearance from the
1383 ground to remove ladder fuels; and
- 1384 (2) removal and pruning of trees to provide:
- 1385 (a) ten feet of clearance from the ground to remove ladder fuels, as long as
1386 pruning does not exceed one-third of tree height;
- 1387 (b) fifteen feet of clearance over driveways for emergency vehicle access;
- 1388 (c) eighteen feet between tree crowns; and
- 1389 (d) ten feet between tree crowns and decks, chimneys, propane tanks, liquefied
1390 petroleum gas tanks, overhead communication cables, overhead electrical wires, or other
1391 structures; and
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1392 b All activities in subsection E.23.a. of this section are also allowed up to one
1393 hundred feet from a residential structure containing habitable space if such clearing is
1394 advised in a wildfire risk assessment conducted by a professional holding a wildfire risk
1395 assessment certification, or the activity is advised in a forest stewardship plan approved by
1396 the department of natural resources and parks that includes best management practices to
1397 reduce wildfire risk, except as follows:

1398 (1) removal and pruning of trees to provide clearance between tree crowns is
1399 limited to providing:

1400 (a) twelve feet between tree crowns, when more than thirty feet and up to
1401 sixty feet of a residential structure containing habitable space; and

1402 (b) six feet between tree crowns, when more than sixty feet and up to one
1403 hundred feet of a residential structure containing habitable space.

1404 24. Limited to the removal of downed trees.

1405 25. Except on properties that are:

1406 a. subject to clearing limits included in property-specific development standards
1407 and special district overlays under K.C.C. chapter 21A.38; or

1408 b. subject to urban growth area significant tree retention standards under K.C.C.
1409 16.82.156.

1410 26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance
1411 activity is inspected by the:

1412 a. King Conservation District;

1413 b. department of natural resources and parks;

1414 c. department of local services, permitting division; or

- 1415 d. Washington state Department of Fish and Wildlife.
- 1416 27. Pruning of trees to provide up to ten feet of clearance from overhead
- 1417 communication cables and electrical wire components of utility facilities, if:
- 1418 a. no debris is left following the pruning activity;
- 1419 b. authorized by a right of way construction permit;
- 1420 c. pruning activities around overhead electrical facilities do not extend fifteen feet
- 1421 beyond the right of way; and
- 1422 d. any work is approved by the property owner.
- 1423 28. Tree and vegetation clearing, except for overhead facilities in subsection E.27.
- 1424 of this section, and except for tree and vegetation clearing subject to K.C.C. 16.82.156 or
- 1425 K.C.C. Title 21A or otherwise requiring a permit, as follows:
- 1426 a. Up to thirty feet measured horizontally from the utility facility structure, the
- 1427 following is allowed:
- 1428 (1) vegetation removal:
- 1429 (a) within fifteen feet of the furthest attached exterior point of a structure; and
- 1430 (b) underneath a tree crown to provide up to ten feet of clearance from the
- 1431 ground to remove ladder fuels;
- 1432 (2) removal and pruning of trees to provide:
- 1433 (a) ten feet of clearance from the ground to remove ladder fuels, as long as
- 1434 pruning does not exceed one-third of tree height;
- 1435 (b) fifteen feet of clearance over driveways for emergency vehicle access;
- 1436 (c) eighteen feet between tree crowns; and
- 1437 (d) ten feet between tree crowns and structures; and
-

1438 (3) the screening function of any landscaping planted to provide screening in
1439 K.C.C. chapter 21A.16 is maintained; and

1440 b. All of the activities in subsection E.28.a. of this section are also allowed up to
1441 one hundred feet measured horizontally from the utility facility structure if such clearing
1442 activity is advised in a wildfire risk assessment conducted by a professional holding a
1443 wildfire risk assessment certification, or the activity is advised in a forest stewardship plan
1444 approved by the department of natural resources and parks and that includes best
1445 management practices to reduce wildfire risks, except that removal and pruning of trees to
1446 provide clearance between tree crowns is limited to providing:

1447 (1) twelve feet between tree crowns, when more than thirty feet and up to sixty
1448 feet measured horizontally from a utility facility structure; and

1449 (2) six feet between tree crowns, when more than sixty feet and up to one
1450 hundred feet measured horizontally from a utility facility structure.

1451 SECTION 18. Ordinance 1488, Section 7, as amended, and K.C.C. 16.82.060 are
1452 hereby amended to read as follows:

1453 A. To obtain a permit, the applicant shall first file an application in writing on a
1454 form prescribed by the department that, in addition to the requirements of K.C.C. 20.20.040,
1455 shall include, at a minimum:

1456 1. Identification and description of the work to be covered by the permit for which
1457 application is made;

1458 2. An estimate of the quantities of work involved by volume and the total area
1459 cleared or graded as a percentage of the total site area;

1460 3. An identification and description of:

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- 1461 a. all critical areas on the site or visible from the boundaries of the site; and
- 1462 b. ~~((all clearing restrictions applicable to the site in K.C.C. 16.82.150,))~~ critical
- 1463 drainage areas requirements established by administrative rules or property-specific
- 1464 development standards and special district overlays under K.C.C. chapter 21A.38;
- 1465 4. Location of any open space tracts or conservation easements if required under:
- 1466 a. ~~((K.C.C. 16.82.152;~~
- 1467 ~~b.))~~ K.C.C. chapter 21A.14;
- 1468 ~~((e.))~~ b. K.C.C. chapter 21A.37;
- 1469 ~~((d.))~~ c. critical drainage areas; or
- 1470 ~~((e.))~~ d. property-specific development standards or special district overlays under
- 1471 K.C.C. chapter 21A.38;
- 1472 5. Plans and specifications that, at a minimum, include:
- 1473 a. property boundaries, easements, and setbacks;
- 1474 b. a 1:2000 scale vicinity map with a north arrow;
- 1475 c. horizontal and vertical scale;
- 1476 d. size and location of existing improvements on and within fifty feet of the
- 1477 project, indicating which will remain and which will be removed;
- 1478 e. location of all proposed cleared areas;
- 1479 f. existing and proposed contours at maximum five foot intervals, and extending
- 1480 for one hundred feet beyond the project edge;
- 1481 g. at least two cross sections, one in each direction, showing existing and
- 1482 proposed contours and horizontal and vertical scales; and
- 1483 h. a proposed erosion and sediment control plan as required by K.C.C. 16.82.095.
-

1484 B. Materials in addition to those required in subsection A. of this section may be
1485 necessary for the department to complete the review. The following materials shall be
1486 submitted when required by the department.

1487 1. Higher accuracy contours and more details of existing terrain and area drainage,
1488 limiting dimensions, elevations or finished contours to be achieved by the grading, and
1489 proposed drainage channels and related construction;

1490 2. If applicable, all drainage plans and documentation consistent with King County
1491 Surface Water Design Manual;

1492 3. Restoration plan if required under K.C.C. (~~16.82.110~~) 21A.22.081; and

1493 4. Studies prepared by qualified specialists, as necessary to substantiate any
1494 submitted materials and compliance with this chapter or other law, particularly if clearing or
1495 grading is proposed to take place in or adjacent to a critical area.

1496 C. Plans and specifications shall be prepared and signed by a civil engineer if they
1497 are prepared in conjunction with the proposed construction or placement of a structure,
1498 include permanent drainage facilities or, if required by the department, propose alterations in
1499 steep slope or landslide hazard areas.

1500 D. The department shall determine the number of copies of the required plans,
1501 specifications and supporting materials necessary to expedite review and may require
1502 submittal of materials in alternative formats.

1503 E. The director may waive specific submittal requirements if they are determined to
1504 be unnecessary for the acceptance and subsequent review of an application.

1505 F. Any plans, specifications or supporting materials that are returned as a result of
1506 permit denial or any other reason shall be returned to the applicant.

1507 SECTION 19. Ordinance 12560, Section 148, as amended, and K.C.C. 17.04.200

1508 are hereby amended to read as follows:

1509 Section 104.1 of the International Fire Code is not adopted and the following is
1510 substituted:

1511 **General (IFC 104.1).** The fire marshal is authorized to render interpretations of this
1512 code and make and enforce such rules and regulations, in accordance with K.C.C. chapters
1513 2.98 and 2.100, for the prevention and control of fires and fire hazards as necessary to
1514 execute the application and the intent of this code, including but not limited to:

1515 1. Procedures to ensure that building permits for structures shall conform to the
1516 requirements of this code.

1517 2. Procedures to ensure that applicable standards of this code shall be reviewed as
1518 part of the subdivision, short subdivision, (~~urban planned development~~) rezone,
1519 conditional use, special use, site development permit, binding site plan, and building permit
1520 processes.

1521 3. Procedures to assure that the standard known as NFPA 13R shall be applied as a
1522 minimum standard to all R occupancies.

1523 4. Procedures to allow for relaxation of the hydrant spacing requirements by as
1524 much as 50 percent, except when such allowances would unreasonably reduce fire
1525 protection to the area or structures served.

1526 SECTION 20. Ordinance 12560, Section 149, as amended, and K.C.C. 17.04.280

1527 are hereby amended to read as follows:

1528 Section 104 of the International Fire Code is supplemented with the following:

1529 Notice to fire districts (IFC 104.12).

1530 A. ~~((Prior to))~~ Before submitting an application for a commercial building permit,
1531 site development permit, binding site plan, a preliminary subdivision or short subdivision
1532 approval, final subdivision or short subdivision, ~~((urban-planned development,))~~ zoning
1533 reclassification, conditional use, and special use permits to the department:

1534 1. the applicant shall submit a copy of the application to the fire district providing
1535 fire protection services to the proposed development;

1536 2. subdivisions and short subdivisions applied for and/or recorded before February
1537 1, 1989, shall be submitted once to the applicable fire district for review at the time of the
1538 first building permit by the applicant for that building permit;

1539 3. it shall be the responsibility of the fire district to issue a receipt to the applicant
1540 the same day it receives a copy of a permit application. The receipt shall constitute proof to
1541 the director of the notification;

1542 4. the applicant shall include the fire district receipt with the permit application to
1543 the department;

1544 5. it shall be the responsibility of the fire district to notify the fire marshal of any
1545 comments within seven days of the receipt of an applied for permit.

1546 SECTION 21. Ordinance 17270, Section 2, as amended, and K.C.C. 18.25.010 are
1547 hereby amended to read as follows:

1548 A.1. The county developed a strategic climate action plan in 2012 to establish long-
1549 term targets and guide actions within county services and operations to reduce greenhouse
1550 gas emissions and adapt to a changing climate. In accordance with this chapter, the
1551 executive updates the strategic climate action plan. Each update to the strategic climate
1552 action plan shall be developed with an environmental justice framework in partnership with

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1553 those communities disproportionately impacted by climate change and in a manner
1554 consistent with Ordinance 16948, which establishes the county's fair and just principle. The
1555 strategic climate action plan shall include the following:

1556 a. the identification of specific goals, strategies, measures, targets, and priority
1557 actions for county services and operations to reduce emissions consistent with the
1558 countywide goal of reducing greenhouse gas emissions (~~((twenty-five percent by 2020,))~~)
1559 fifty percent by 2030, seventy-five percent by 2040, and ~~((eighty))~~ ninety-five percent,
1560 including net-zero emissions through carbon sequestration and other strategies, by 2050,
1561 compared to a 2007 baseline. The strategic climate action plan should address five goal
1562 areas for reducing greenhouse gas emissions: transportation and land use; building and
1563 facilities energy; green building; consumption and materials management, including the
1564 environmental purchasing program; and forestry and agriculture. Each goal area shall
1565 address environmental justice and ensure that the strategies promote an equitable
1566 distribution of any environmental benefit. The strategic climate action plan should establish
1567 explicit and, whenever possible, quantifiable connections between the overarching climate
1568 goals and specific strategies and actions;

1569 b.(1) a green jobs strategy. For purposes of this subsection A., a "green job"
1570 means one that generates an income large enough to support a household in King County
1571 and provides a benefit to the environment. The intent of the green jobs strategy is to
1572 encourage the development of green jobs along the career spectrum.

1573 (2) the green jobs strategy shall be developed in consultation with members of
1574 the King County climate and equity community taskforce identified in subsection
1575 A.1.b.(2)(f) of this section, labor and workforce development organizations directed in

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1576 subsection A.7. of this section, and representatives of an environmental justice and climate
1577 equity organization, education, business, building managers, utilities, scientists with
1578 knowledge of the latest research on strategies to reduce emissions, tribes, local governments,
1579 and regional groups such as the King County-Cities Climate Collaboration and the Puget
1580 Sound Regional Council, and shall include:

1581 (a) specific actions King County and its partners can take to increase the
1582 number of green jobs and apprenticeships throughout the region, including jobs in energy
1583 efficiency, renewable energy, green vehicles, and carbon sequestration, and King County
1584 administrative, executive, policy, and technical jobs;

1585 (b) a proposal for and budget to develop a green job pipeline that focuses
1586 especially on communities that have historically been underserved, and is informed by
1587 recommendations of the climate and equity community task force;

1588 (c) identification of the industry sectors and job types with high-demand green
1589 jobs in King County;

1590 (d) actions King County can take to develop the green energy skills of King
1591 County's own workforce, such as collaboration on development of apprenticeship and pre-
1592 apprenticeship programs in sectors including energy efficiency, electrification, electric
1593 vehicle maintenance, the maintenance of electric vehicle infrastructure, and carbon
1594 sequestration technologies; and

1595 (e) an initial green jobs strategy in the 2020 Strategic Climate Action Plan
1596 update, with findings and recommendations along with recommended next steps for refining
1597 the green jobs strategy as part of plan implementation, biennial budgets, and future plan
1598 updates; and

1599 (f) a community-driven strategy to achieve sustainable and resilient
1600 communities. In order to achieve a community driven strategy, the executive shall convene
1601 and partner with the King County climate and equity community task force to develop the
1602 sustainable and resilient community strategy. The King County climate and equity
1603 community task force shall be a racially and ethnically diverse group representing various
1604 communities in King County that are on the frontline of climate change. The task force
1605 shall develop goals and guide priority areas for climate action based on community values
1606 and concerns. The sustainable and resilient community strategy shall:

1607 i. identify how climate change will impact communities of color, low-income
1608 communities, and those disproportionately impacted by climate change;

1609 ii. identify opportunities to take actions to address those impacts that could
1610 include increasing the number of affordable housing units, developing pathways to green
1611 jobs, preventing neighborhood displacement, increasing access to green spaces, providing
1612 access to zero emissions mobility options, improving food security, reducing pollution, and
1613 addressing health disparities; and

1614 iii. based on assessment of climate impacts and extreme weather events like
1615 heat waves on vulnerable communities, make recommendations for preparedness strategies
1616 and actions to include in county emergency response plans, the flood hazard management
1617 plan and the regional hazard mitigation plan;

1618 c. the current assessment of climate change impacts in King County and
1619 identification of goals, strategies, measures, targets, and priority actions within county
1620 services and county operations to address climate change impacts. Each goal and strategy

Ordinance

1621 shall address environmental justice and ensure that the strategies promote an equitable
1622 distribution of any environmental benefit;

1623 d. performance measures and related targets for both operational emissions and
1624 implementation of priority strategies, including the green job strategy, that advance the
1625 strategic climate action plan and provide for assessment of progress relative to overarching
1626 climate goals at the community scale; and

1627 e. an assessment of cost effectiveness for key county services and operations
1628 building on the pilot cost effectiveness assessment in the 2015 strategic climate action plan
1629 update.

1630 2. Consistent with the county's strategic planning cycle, updates will occur at least
1631 every five years, unless more frequent updates are needed to respond to changing
1632 information about emissions sources, performance relative to targets, new technologies, or a
1633 changing regulatory context. The executive shall transmit updates to the strategic climate
1634 action plan to the council for adoption by motion.

1635 3. In developing future updates to the strategic climate action plan, the executive
1636 shall continue to review climate change-related plans being developed by other
1637 municipalities, including the city of Seattle's climate action plan, and identify opportunities
1638 and strengthen recommendations for partnership with cities, businesses, and nonprofit
1639 organizations to advance actions to reduce greenhouse gas emissions and prepare for climate
1640 change impacts.

1641 4. The council recognizes that science related to climate change and successful
1642 climate solutions is evolving, and each update to the strategic climate action plan should

1643 build upon and refine the strategies, activities, and performance targets in accordance with
1644 best available science, practices, and progress toward emissions reductions targets.

1645 5. Future updates shall include the requirements of subsection A.1. of this section.

1646 6. Progress in achieving strategic climate action plan performance measure targets
1647 and accomplishment of priority actions identified in subsection A.1. of this section, as well
1648 as findings outlining recommendations for changes in policies, priorities, and capital
1649 investments, shall be reported and transmitted to council biennially. The progress report
1650 shall be included as part of the report required in K.C.C. 18.50.010.

1651 7. The executive shall convene a strategic climate action plan labor advisory
1652 council or seek input from county labor and workforce development organizations,
1653 including the Martin Luther King, Jr. County Labor Council of Washington, the Seattle
1654 Building and Construction Trades Council, and the Workforce Development Council of
1655 Seattle-King County, on recommendations for policies, programs, and partnerships to
1656 strengthen pathways to local green jobs and to provide guidance on each update.

1657 B. Future updates to climate-related objectives and strategies should be informed by
1658 the strategic climate action plan.

1659 C. The executive must transmit the legislation and reports required to be submitted
1660 by this section in the form of a paper original and an electronic copy with the clerk of the
1661 council, who shall retain the original and provide an electronic copy to all councilmembers,
1662 the council chief of staff, and the lead staff for the transportation, economy and environment
1663 committee or its successor.

1664 SECTION 22. Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070
1665 are hereby amended to read as follows:

Ordinance

1666 A. A property owner may request that the department determine whether a lot was
 1667 legally created. The property owner shall demonstrate to the satisfaction of the department
 1668 that a lot was created in compliance with applicable state and local land segregation statutes
 1669 or codes in effect at the time the lot was created.

1670 B. A lot shall be recognized as a legal lot:

1671 1. If before October 1, 1972, it was:

1672 a. conveyed as an individually described parcel to separate, noncontiguous
 1673 ownerships through a fee simple transfer or purchase; or

1674 b. recognized as a separate tax lot by the county assessor;

1675 2. If created by a recorded subdivision before June 9, 1937, and it was served by
 1676 one of the following before January 1, 2000:

1677 a. an approved sewage disposal; or

1678 b. an approved water system; (~~or~~

1679 ~~e. a road that was:~~

1680 ~~(1) accepted for maintenance by the King County department of transportation;~~

1681 ~~or~~

1682 ~~(2) located within an access easement for residential use or in a road right-of-~~
 1683 ~~way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete,~~
 1684 ~~or compact gravel, that complied with the King County road standards in effect at the time~~
 1685 ~~the road was constructed;))~~

1686 3. If created by an approved short subdivision, including engineers subdivisions;

1687 4. If created by a recorded subdivision on or after June 9, 1937; or

Ordinance

1688 5. If created through the following alternative means of lot segregation provided
1689 for by state statute or county code:

1690 a. at a size five acres or greater, created by a record of survey recorded between
1691 August 11, 1969, and October 1, 1972, and that did not contain a dedication;

1692 b. at a size twenty acres or greater, created by a record of survey recorded before
1693 January 1, 2000, and not subsequently merged into a larger lot;

1694 c. at a size forty acres or greater created through a larger lot segregation made in
1695 accordance with RCW 58.18.010, approved by King County and not subsequently merged
1696 into a larger lot. Within the F zone, each lot of tract shall be of a size that meets the
1697 minimum lot size requirements of K.C.C. 21A.12.040.A;

1698 d. through testamentary provisions or the laws of descent after August 10, 1969;

1699 or

1700 e. as a result of deeding land to a public body after April 3, 1977.

1701 C. In requesting a determination, the property owner shall submit evidence, deemed
1702 acceptable to the department, such as:

1703 1. Recorded subdivisions or division of land into four lots or less;

1704 2. King County documents indicating approval of a short subdivision;

1705 3. Recorded deeds or contracts describing the lot or lots either individually or as
1706 part of a conjunctive legal description (~~((e.g.))~~), such as Lot 1 and Lot 2(~~(+)~~); or

1707 4. Historic tax records or other similar evidence, describing the lot as an individual
1708 parcel. The department shall give great weight to the existence of historic tax records or tax
1709 parcels in making its determination.

1710 D. Once the department has determined that the lot was legally created, the
1711 department shall continue to acknowledge the lot as such, unless the property owner
1712 reaggregates or merges the lot with another lot or lots in order to:

- 1713 1. Create a parcel of land that would qualify as a building site, or
- 1714 2. Implement a deed restriction or condition, a covenant or court decision.

1715 E. The department's determination shall not be construed as a guarantee that the lot
1716 constitutes a building site as defined in K.C.C. 19A.04.060. Testamentary lots created after
1717 December 31, 1999, and before January 1, 2019, are exempt from meeting the minimum lot
1718 area requirements in K.C.C. 21A.12.030 and 21A.12.040 for the applicable zoning district,
1719 if all other federal, state, and local statutes and regulations are met. All other testamentary
1720 lots shall be required to meet all federal, state, and local statutes and regulations, including
1721 minimum lot area requirements in K.C.C. 21A.12.030 and 21A.12.040.

1722 F. Reaggregation of lots after January 1, 2000, shall only be the result of a
1723 deliberate action by a property owner expressly requesting the department for a permanent
1724 merger of two or more lots through a boundary line adjustment under K.C.C. chapter
1725 19A.28.

1726 SECTION 23. Ordinance 13694, Section 56, as amended, and K.C.C. 19A.12.020
1727 are hereby amended to read as follows:

1728 A. Preliminary subdivision approval shall be effective for a period of sixty months.

1729 B. Preliminary subdivision approval shall be considered the basis upon which the
1730 applicant may proceed toward development of the subdivision and preparation of the final
1731 plat subject to all the conditions of the preliminary approval.

Ordinance

1732 C. If the final plat is being developed in divisions, and final plats for all of the
1733 divisions have not been recorded within the time limits provided in this section, preliminary
1734 subdivision approval for all unrecorded divisions shall become void. The preliminary
1735 subdivision for any unrecorded divisions must again be submitted to the department with a
1736 new application, subject to the fees and regulations applicable at the time of submittal.

1737 D. ~~((An urban planned development permit, fully contained community permit, or
1738 development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the
1739 preliminary approval period beyond sixty months for any preliminary subdivision approved
1740 simultaneous or subsequent to the urban planned development permit or fully contained
1741 community permit. Such extensions may be made contingent upon satisfying conditions set
1742 forth in the urban planned development permit, fully contained community permit or
1743 development agreement. In no case shall the extended preliminary approval period exceed
1744 the expected buildout time period of the urban planned development or fully contained
1745 community as provided in the urban planned development permit, fully contained
1746 community permit or development agreement. This section shall apply to any approved
1747 urban planned development permit, fully contained community permit or development
1748 agreement in existence on January 1, 2000, or approved subsequent to January 1, 2000.~~

1749 E.)) For any plat with more than four hundred lots that is also part of the county's
1750 four to one program, the preliminary subdivision approval shall be effective for eighty-four
1751 months. This subsection applies to any preliminary plat approved by either the council or
1752 the hearing examiner, or both, on or after January 1, 1998, that relates to a four to one
1753 program with proposed plats containing more than four hundred lots.

Ordinance

1754 ~~((F.))~~ E. For any plat with more than fifty lots where fifty percent or more of those
 1755 lots will constitute affordable housing (~~((which))~~) that is housing for those that have incomes
 1756 of less than eighty percent of median income for King County as periodically published by
 1757 the United States Department of Housing and Urban Development, or its successor agency,
 1758 and at least a portion of the funding for the project has been provided by federal, state or
 1759 county housing funds, the preliminary subdivision shall be effective for seventy-two
 1760 months. This subsection applies to any plat that has received preliminary approval on or
 1761 after January 1, 1998.

1762 ~~((G.1. For any plat that has received preliminary approval on or after December 1,
 1763 2003, the preliminary subdivision approval shall be valid for a period of eighty four months.
 1764 The department may make revisions to the fee estimate issued by the department under
 1765 K.C.C. 27.02.065.~~

1766 ~~2. For any plat that received preliminary approval on or after December 1, 2003,
 1767 pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a
 1768 period of one hundred and eight months. The department may make revisions to the fee
 1769 estimate issued by the department under K.C.C. 27.02.065.~~

1770 ~~3. This subsection shall retroactively apply to any plat that has received
 1771 preliminary approval on or after December 1, 2003. This subsection expires December 31,
 1772 2014.)~~

1773 SECTION 24. Ordinance 13694, Section 80, as amended, and K.C.C. 19A.28.020
 1774 are hereby amended to read as follows:

1775 Adjustment of boundary lines between adjacent lots shall be consistent with the
 1776 following review procedures and limitations:

Ordinance

1777 A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit
 1778 as provided in K.C.C. chapter 20.20. The review shall include examination for consistency
 1779 with the King County zoning code, K.C.C. Title 21A., shoreline master program, K.C.C.
 1780 chapter 21A.25, applicable board of health regulations, and, for developed lots, fire, and
 1781 building codes;

1782 B. A lot created through a large lot segregation shall be consistent with the
 1783 underlying zoning and shall not be reduced to less than twenty acres within ten years of the
 1784 large lot segregation approval unless it is subdivided in accordance with K.C.C. chapter
 1785 19A.12;

1786 C. Any adjustment of boundary lines must be approved by the department before
 1787 the transfer of property ownership between adjacent legal lots;

1788 D. A boundary line adjustment proposal shall not:

1789 1. Result in the creation of an additional lot or the creation of more than one
 1790 additional building site;

1791 2. Result in a lot that does not qualify as a building site ~~((pursuant to))~~ under this
 1792 title;

1793 3. Relocate an entire lot from one parent parcel into another parent parcel;

1794 4. Reduce the overall area in a plat or short plat devoted to open space;

1795 5. Be inconsistent with any restrictions or conditions of approval for a recorded
 1796 plat or short plat;

1797 6. Involve lots ~~((which))~~ that do not have a common boundary; ~~((or))~~

1798 7. Circumvent the subdivision or short subdivision procedures ~~((set forth))~~ in this
 1799 title. Factors ~~((which))~~ that indicate that the boundary line adjustment process is being used

1800 in a manner inconsistent with statutory intent include: numerous and frequent adjustments to
1801 the existing lot boundary, a proposal to move a lot or building site to a different location,
1802 and a large number of lots being proposed for a boundary line adjustment; or

1803 8. Circumvent standards or procedures in K.C.C. Title 21A;

1804 E. The elimination of lines between two or more lots shall in all cases shall be
1805 considered a minor adjustment of boundary lines and shall not be subject to the subdivision
1806 and short subdivision provisions of this title or to K.C.C. 19A.28.030. The format and
1807 requirements of a minor adjustment under this subsection shall be specified by the
1808 department;

1809 F. Recognized lots in an approved site plan for a conditional use permit, special use
1810 permit, (~~urban planned development,~~) or commercial site development permit shall be
1811 considered a single site and no lot lines on the site may be altered by a boundary line
1812 adjustment to transfer density or separate lots to another property not included in the original
1813 site plan of the subject development; and

1814 G. Lots that have been subject to a boundary line adjustment process that resulted in
1815 the qualification of an additional building site shall not be permitted to utilize the boundary
1816 line adjustment process again for five years to create an additional building site.

1817 SECTION 25. Ordinance 18810, Section 3, and K.C.C. 20.08.037 are hereby
1818 amended to read as follows:

1819 "Area zoning and land use study" means a study that reviews the land use
1820 designations and zoning classifications for a specified set of properties. "Area zoning and
1821 land use studies" are typically focused on a (~~broader set of policies than a subarea study~~)
1822 specific set of possible zoning and land use changes, and do not look at the larger range of

Ordinance

1823 issues that a subarea plan would include. "Area zoning and land use studies" consider
 1824 specific potential changes to land use or zoning, or both, and analyze such requests based on
 1825 surrounding land use and zoning, current infrastructure and potential future needs, and
 1826 consistency with the King County Comprehensive Plan, countywide planning policies, and
 1827 the Growth Management Act, chapter 36.70A RCW.

1828 SECTION 26. Ordinance 263, Art. 3 (part), and K.C.C. 20.08.060 are hereby
 1829 amended to read as follows:

1830 "Subarea plan" means a detailed local land use plan that implements, is consistent
 1831 with and is an element of the Comprehensive Plan, containing specific policies, guidelines,
 1832 and criteria adopted by the council to guide development and capital improvement decisions
 1833 within specific subareas of the county. ~~((Subareas are))~~ Subarea plans are used for distinct
 1834 communities, specific geographic areas, or other types of districts having unified interests or
 1835 similar characteristics within the county. Subarea plans may include ~~((community plans)),~~
 1836 but are not limited to, community service area subarea plans ~~((, neighborhood plans, basin~~
 1837 ~~plans and plans addressing multiple areas having common interests))~~. ~~((The relationship~~
 1838 ~~between the 1994 King County Comprehensive Plan and subarea plans is established by~~
 1839 ~~K.C.C. 20.12.015.))~~

1840 SECTION 27. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
 1841 20.12.010 are hereby amended to read as follows:

1842 Under the King County Charter, the state Constitution, and the Washington state
 1843 Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King
 1844 County Comprehensive Plan via Ordinance 11575 and declared it to be the
 1845 Comprehensive Plan for King County until amended, repealed, or superseded. The

Ordinance

1846 Comprehensive Plan has been reviewed and amended multiple times since its adoption in
 1847 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the
 1848 ~~((2016))~~ 2024 King County Comprehensive Plan, as adopted in ~~((Ordinance 18427 and as~~
 1849 ~~amended by Ordinance 18623, Ordinance 18810, Ordinance 19034, Ordinance 19146 and~~
 1850 ~~Ordinance 19555))~~ this ordinance. The Comprehensive Plan shall be the principal
 1851 planning document for the orderly physical development of the county and shall be used
 1852 to guide subarea plans, functional plans, provision of public facilities and services,
 1853 review of proposed incorporations and annexations, development regulations, and land
 1854 development decisions.

1855 SECTION 28. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are
 1856 hereby amended to read as follows:

1857 A. The King County shoreline master program consists of the following
 1858 elements, enacted on or before ~~((March 25, 2021))~~ the date of enactment of this
 1859 ordinance:

- 1860 1. The King county Comprehensive Plan chapter six;
- 1861 2. K.C.C. chapter 21A.25;
- 1862 3. The following sections of K.C.C. chapter 21A.24:
 - 1863 a. K.C.C. 21A.24.045;
 - 1864 b. K.C.C. 21A.24.051;
 - 1865 c. K.C.C. 21A.24.055;
 - 1866 d. K.C.C. 21A.24.070.A., D., and E.;
 - 1867 e. K.C.C. 21A.24.125;
 - 1868 f. K.C.C. 21A.24.130;

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- 1869 g. K.C.C. 21A.24.133;
- 1870 h. K.C.C. 21A.24.200;
- 1871 i. K.C.C. 21A.24.210;
- 1872 j. K.C.C. 21A.24.220;
- 1873 k. K.C.C. 21A.24.275;
- 1874 l. K.C.C. 21A.24.280;
- 1875 m. K.C.C. 21A.24.290;
- 1876 n. K.C.C. 21A.24.300;
- 1877 o. K.C.C. 21A.24.310;
- 1878 p. K.C.C. 21A.24.316;
- 1879 q. K.C.C. 21A.24.318;
- 1880 r. K.C.C. 21A.24.325;
- 1881 s. K.C.C. 21A.24.335;
- 1882 t. K.C.C. 21A.24.340;
- 1883 u. K.C.C. 21A.24.355;
- 1884 v. K.C.C. 21A.24.358;
- 1885 w. K.C.C. 21A.24.365;
- 1886 x. K.C.C. 21A.24.380;
- 1887 y. K.C.C. 21A.24.382;
- 1888 z. K.C.C. 21A.24.386; and
- 1889 aa. K.C.C. 21A.24.388;
- 1890 4. The following:
- 1891 a. K.C.C. 20.18.040;

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- 1892 b. K.C.C. 20.18.050;
- 1893 c. K.C.C. 20.18.056;
- 1894 d. K.C.C. 20.18.057;
- 1895 e. K.C.C. 20.18.058;
- 1896 f. K.C.C. 20.22.160;
- 1897 g. K.C.C. 21A.32.045;
- 1898 h. K.C.C. 21A.44.090;
- 1899 i. K.C.C. 21A.44.100; and
- 1900 j. K.C.C. 21A.50.030.

1901 B. The shoreline management goals and policies constitute the official policy of
 1902 King County regarding areas of the county subject to shoreline (~~(management)~~)
 1903 jurisdiction under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King
 1904 County's local administrative, enforcement, and permit review procedures shall conform
 1905 to chapter 90.58 RCW but shall not be a part of the master program.

1906 C. Amendments to the shoreline master program do not apply to the shoreline
 1907 jurisdiction until approved by the Washington state Department of Ecology as provided
 1908 in RCW 90.58.090. The department of local services, permitting division, shall, within
 1909 ten days after the date of the Department of Ecology's approval, file a copy of the
 1910 Department of Ecology's approval, in the form of an electronic copy, with the clerk of the
 1911 council, who shall retain the original and provide electronic copies to all
 1912 councilmembers, the chief of staff, and the lead staff of the local services and land use
 1913 committee, or its successor.

1914 SECTION 29. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030
1915 are hereby amended to read as follows:

1916 A. The King County Comprehensive Plan shall be amended in accordance with
1917 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public
1918 participation program whereby amendments are considered by the council no more
1919 frequently than once a year as part of the update schedule established in this chapter,
1920 except that the council may consider amendments more frequently to address:

1921 1. Emergencies, if:

1922 a. an emergency exists, based on the council finding that the amendment is
1923 necessary for the immediate preservation of public peace, health, or safety or for the
1924 support of county government and its existing public institutions; and

1925 b. public notice and an opportunity for public comment precede adoption of
1926 the emergency amendments;

1927 2. An appeal of the plan filed with the Central Puget Sound Growth
1928 Management Hearings Board or with the court;

1929 3. The initial adoption of a subarea plan, which may amend the urban growth
1930 area boundary only to redesignate land within a joint planning area;

1931 4. An amendment of the capital facilities element of the Comprehensive Plan
1932 that occurs in conjunction with the adoption of the county budget under K.C.C.
1933 4A.100.010; or

1934 5. The adoption or amendment of a shoreline master program under chapter
1935 90.58 RCW.

Ordinance

1936 B. Every year the Comprehensive Plan may be updated to address technical
 1937 updates and corrections, to adopt community service area subarea plans, and to consider
 1938 amendments that do not require substantive changes to the Comprehensive Plan or
 1939 subarea plan policy language or do not require changes to the urban growth area
 1940 boundary, except as ~~((permitted in subsection B.9. and 11. of this section))~~ allowed in
 1941 Comprehensive Plan chapter 12. The review may be referred to as the annual update.
 1942 ~~((The Comprehensive Plan, including subarea plans, may be amended in the annual~~
 1943 ~~update only to consider the following:~~

- 1944 1. ~~Technical amendments to policy, text, maps, or shoreline environment~~
- 1945 ~~designations;~~
- 1946 2. ~~The annual capital improvement plan;~~
- 1947 3. ~~The transportation needs report;~~
- 1948 4. ~~School capital facility plans;~~
- 1949 5. ~~Changes required by existing Comprehensive Plan policies;~~
- 1950 6. ~~Changes to the technical appendices and any amendments required thereby;~~
- 1951 7. ~~Comprehensive updates of subarea plans initiated by motion;~~
- 1952 8. ~~Changes required by amendments to the Countywide Planning Policies or~~
 1953 ~~state law;~~
- 1954 9. ~~Redesignation proposals under the four to one program as provided for in~~
 1955 ~~this chapter;~~
- 1956 10. ~~Amendments necessary for the conservation of threatened and endangered~~
 1957 ~~species;~~

Ordinance

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- 1958 ~~11. Site-specific land use map amendments that do not require substantive~~
1959 ~~change to Comprehensive Plan policy language and that do not alter the urban growth~~
1960 ~~area boundary, except to correct mapping errors;~~
- 1961 ~~12. Amendments resulting from subarea studies required by Comprehensive~~
1962 ~~Plan policy that do not require substantive change to Comprehensive Plan policy~~
1963 ~~language and that do not alter the urban growth area boundary, except to correct mapping~~
1964 ~~errors;~~
- 1965 ~~13. Changes required to implement a study regarding the provision of~~
1966 ~~wastewater services to a Rural Town. The amendments shall be limited to policy~~
1967 ~~amendments and adjustment to the boundaries of the Rural Town as needed to implement~~
1968 ~~the preferred option identified in the study;~~
- 1969 ~~14. Adoption of community service area subarea plans;~~
- 1970 ~~15. Amendments to the Comprehensive Plan update schedule that respond to~~
1971 ~~adopted ordinances and improve alignment with the timing requirements in the~~
1972 ~~Washington state Growth Management Act, chapter 36.70A RCW ("the GMA"), and~~
1973 ~~alignment with multicounty and countywide planning activities; or~~
- 1974 ~~16. Amendments to the Comprehensive Plan Workplan to change deadlines.))~~
- 1975 C. Every ~~((eighth))~~ tenth year beginning in 2024, the county shall complete a
1976 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
1977 to ensure continued compliance with the GMA. This review may provide for a
1978 cumulative analysis of the twenty-year plan based upon official population growth
1979 forecasts, benchmarks, and other relevant data in order to consider substantive changes to
1980 the Comprehensive Plan and changes to the urban growth area boundary. The
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Ordinance

1981 comprehensive review shall (~~begin one year in advance of the transmittal~~) follow the
 1982 schedule established in K.C.C. 20.18.060 and may be referred to as the (~~eight~~) ten-year
 1983 update. The urban growth area boundaries shall be reviewed in the context of the
 1984 (~~eight~~) ten-year update and in accordance with countywide planning policy (~~(G-1)~~) FW-
 1985 1 and RCW 36.70A.130.

1986 D.1. At the midpoint of the (~~eight~~) ten-year update process, a limited update to
 1987 the Comprehensive Plan to address time-sensitive issues before to the next (~~eight~~) ten-
 1988 year update, may be authorized by motion. The update may be referred to as the
 1989 midpoint update. The midpoint update may include those substantive changes to the
 1990 Comprehensive Plan and amendments to the urban growth area boundary that are
 1991 identified in the scope of work. The midpoint update may also include additions or
 1992 amendments to the Comprehensive Plan Workplan related to a topic identified in the
 1993 scope of work.

1994 2. The motion shall specify the scope of the midpoint update, and identify that
 1995 the resources necessary to accomplish the work are available. A fiscal note for the scope
 1996 of the midpoint update shall be provided to the council by the executive within fifteen
 1997 business days of introduction of the proposed motion. If the executive determines an
 1998 additional appropriation is necessary to complete the midpoint update, the executive may
 1999 transmit an ordinance requesting the additional appropriation.

2000 3. If the executive proposes a midpoint update, the executive shall transmit to
 2001 the council by the last business day in (~~June~~) March two years before the midpoint year
 2002 of the (~~eight~~) ten-year update schedule a proposed motion specifying the scope of work
 2003 for the midpoint update. The council shall have until (~~September 15~~) June 30 of that

Ordinance

2004 year, to adopt a motion specifying the scope of work initiating a midpoint update, either
 2005 as transmitted or amended, or as introduced or amended. If the motion is approved by
 2006 ~~((September 15))~~ June 30, the scope shall proceed as established by the approved motion.
 2007 In the absence of council approval by ~~((September 15))~~ June 30, the executive shall
 2008 proceed to implement the scope as transmitted. If such a motion is adopted, the
 2009 executive shall transmit a midpoint update by the last business day of June of the
 2010 following year after adoption of the motion. The council shall have until June 30 of the
 2011 following year after transmittal to adopt a midpoint update.

2012 ~~((4. Before initiation of the first eight year update in 2024, substantive changes
 2013 to the Comprehensive Plan and amendments to the urban growth area boundary may be
 2014 considered. The amendments shall be considered in the 2020 Comprehensive Plan
 2015 update and shall be subject to the midpoint update process and requirements. The
 2016 executive shall transmit to the council by the first business day of January 2019 a
 2017 proposed motion specifying the scope of work for the proposed update consistent with
 2018 K.C.C. 20.18.030.D.1. The council shall have until the last business day of February
 2019 2019, to adopt the motion, either as transmitted or amended. In the absence of council
 2020 approval by the last business day of February 2019, the executive shall proceed to
 2021 implement the scope as proposed. If the motion is approved the last business day of
 2022 February 2019, the scope shall proceed as established by the approved motion. The
 2023 executive shall transmit to the council any proposed amendments for the 2020
 2024 Comprehensive Plan update the by the last business day of September 2019. The council
 2025 shall have until the last business day of July 2020 to adopt the 2020 Comprehensive Plan
 2026 update.))~~

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2027 E. The executive shall seek public comment on the Comprehensive Plan and any
 2028 proposed Comprehensive Plan update in accordance with the procedures in K.C.C.
 2029 20.18.160 before making a recommendation, which shall include publishing a public
 2030 review draft of the proposed Comprehensive Plan update, in addition to conducting the
 2031 public review and comment procedures required by SEPA. The public shall be afforded
 2032 at least one official opportunity to record public comment before the transmittal of a
 2033 recommendation by the executive to the council. County-sponsored councils and
 2034 commissions may submit written position statements that shall be considered by the
 2035 executive before transmittal and by the council before adoption, if they are received in a
 2036 timely manner. The executive's recommendations for changes to policies(~~(, text and~~
 2037 ~~maps))~~) shall include the elements listed in Comprehensive Plan policy I-207 (~~(and~~
 2038 ~~analysis of their financial costs and public benefits, any of which may be included in~~
 2039 ~~environmental review documents)~~). Proposed amendments to the Comprehensive Plan
 2040 shall be accompanied by any development regulations or amendments to development
 2041 regulations, including area zoning, necessary to implement the proposed amendments.

2042 SECTION 30. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are
 2043 hereby amended to read as follows:

2044 A. Site-specific land use map or shoreline master program map amendments may be
 2045 considered during the annual update, midpoint update or ~~((eight))~~ ten-year update,
 2046 depending on the degree of change proposed.

2047 B. ~~((The following categories of s))~~Site-specific land use map amendments or
 2048 shoreline master program map that do not require substantive change to Comprehensive
 2049 Plan or subarea plan language and that do not alter the urban growth area boundary, except

Ordinance

2050 to correct mapping errors, may be initiated by either the county or a property owner for
 2051 consideration in the annual update(=

2052 ~~1. Amendments that do not require substantive change to Comprehensive Plan~~
 2053 ~~policy language and that do not alter the urban growth area boundary, except to correct~~
 2054 ~~mapping errors; and~~

2055 ~~2. Four to one proposals~~)).

2056 C. The following categories of site-specific land use map and shoreline master
 2057 program amendments may be initiated by either the county or a property owner for
 2058 consideration in the ~~((eight))~~ ten-year update or midpoint update:

2059 1. Amendments that could be considered in the annual update;

2060 2. Amendments that require substantive change to Comprehensive Plan policy
 2061 language; and

2062 3. Amendments to the urban growth area boundary.

2063 SECTION 31. Ordinance 3688, Section 813, as amended, and K.C.C. 20.18.056 are
 2064 hereby amended to read as follows:

2065 A. Shoreline environments designated by the master program may be considered for
 2066 redesignation during the ~~((eight))~~ ten-year update or midpoint update.

2067 B. A redesignation shall follow the process in K.C.C. 20.18.050.

2068 SECTION 32. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060 are
 2069 hereby amended to read as follows:

2070 A. Beginning in ~~((2022))~~ 2030, and every ~~((eighth))~~ ten years thereafter, the
 2071 executive shall initiate the ten-year update to the Comprehensive Plan required by K.C.C.
 2072 20.18.030.C. The ten-year update process shall occur as follows:

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2073 1. The executive shall review the performance of the Comprehensive Plan,
2074 consistent with the measures established by motion, to inform the scope of work in
2075 subsection A.2. of this section. By the last business day of December 2030, and every ten
2076 years thereafter, the executive shall transmit to the council the Comprehensive Plan
2077 Performance Measures Report.

2078 2.a. By September 15, 2031, and every ten years thereafter, the executive shall
2079 transmit to the council a proposed motion specifying the scope of work for the proposed ~~ten-~~
2080 ~~year~~ update to the Comprehensive Plan ((that will occur in the following year under)) in
2081 subsection ((B.)) A.3. of this section.

2082 ((1.)) The scoping motion shall include as an attachment to the motion the
2083 following:

2084 ((a.)) (1) topical areas relating to amendments to policies, the land use map,
2085 implementing development regulations or any combination of those amendments that the
2086 executive intends to consider for recommendation to the council; and

2087 ((b. ~~an attachment to the motion advising the council of~~)) (2) the work program
2088 the executive intends to follow to accomplish State Environmental Policy Act review and
2089 public participation.

2090 ((2.a. ~~For the eight year update required by RCW 36.70A.130 to be completed in~~
2091 ~~2024, the executive shall transmit to the council the scoping motion required in subsection~~
2092 ~~A. of this section by March 31, 2022. The council shall have until June 15, 2022, to~~
2093 ~~approve the motion.~~

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2094 ~~b. Beginning in 2030 and every eight years thereafter, the executive shall transmit~~
 2095 ~~to the council the scoping motion required in subsection A. of this section by the last~~
 2096 ~~business day of June.)~~

2097 b. The council shall have until ~~((September 15))~~ December 31 of that year to
 2098 approve the motion.

2099 ~~((3-))~~ In the absence of council approval, the executive shall proceed to implement
 2100 the scope of work as proposed in the motion transmitted by the executive. If the motion is
 2101 approved, the scope of work shall proceed as established by the approved motion.

2102 ~~((B-))~~ 3. Except as otherwise provided in subsection ~~((C-))~~ B. of this section:

2103 ~~((1. For the eight year update required by RCW 36.70A.130 to be completed in~~
 2104 ~~2024, the executive shall transmit to the council by December 29, 2023, a proposed~~
 2105 ~~ordinance updating the Comprehensive Plan. The transmittal shall be accompanied by a~~
 2106 ~~public participation note, identifying the methods used by the executive to ensure early and~~
 2107 ~~continuous public participation in the preparation of amendments. The council shall have~~
 2108 ~~until December 31, 2024, to adopt the update to the Comprehensive Plan, in accordance~~
 2109 ~~with RCW 36.70A.130; and~~

2110 ~~2. Beginning in 2030))~~ a. By June 30, 2033, and every ~~((eighth))~~ ten years
 2111 thereafter, the executive shall transmit to the council ~~((by the last business day of June))~~ a
 2112 proposed ordinance ~~((updating))~~ for the ten-year Comprehensive Plan update. All
 2113 transmittals shall be accompanied by a public participation ~~((note))~~ summary, identifying the
 2114 methods used by the executive to ensure early and continuous public participation in the
 2115 preparation of amendments.

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2116 b. The council shall have until June 30 ~~((of the following year))~~, 2034, and every
 2117 ten years thereafter to adopt ~~((and))~~ the ten-year update to the Comprehensive Plan, in
 2118 accordance with RCW 36.70A.130.

2119 ~~((C.))~~ B. Separate from ~~((the eight))~~ ten-year Comprehensive Plan updates required
 2120 in subsection ~~((B.))~~ A. of this section:

2121 1. Except as otherwise provided in subsection B.2. of this section, ~~((F))~~ in years
 2122 where there is a biennial budget proposed, the capital improvement program, an update or
 2123 addendum where appropriate to the transportation needs report, and the school capital
 2124 facility plans shall be:

2125 a. transmitted by the executive to the council no later than transmittal of the
 2126 biennial budget; and

2127 b. adopted by the council in conjunction with the biennial budget; ~~((and))~~

2128 2. Subsection B.1. of this section shall not apply to the transportation needs report
 2129 in years when a transmitted ten-year Comprehensive Plan update is being reviewed the
 2130 council as required in subsection A.3. of this section; and

2131 3. In years when there is only a midbiennium review of the budget under K.C.C.
 2132 4A.100.010, the capital improvement program and the school capital facility plans shall be:

2133 a. transmitted by the executive to the council by October 1; and

2134 b. adopted by the council no later than adoption of the midbiennium review.

2135 SECTION 33. Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070 are
 2136 hereby amended to read as follows:

2137 A. The executive shall transmit to the council the annual update by the last business
 2138 day of June, except that the capital improvement program ~~((and the ordinances adopting~~

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2139 ~~updates to the~~), transportation needs report, and the school capital facility plans shall be
 2140 transmitted ~~((no later than the biennial budget transmittal and shall be adopted in~~
 2141 ~~conjunction with the budget. However, in those years when there is only a midbiennium~~
 2142 ~~review of the budget, the ordinances adopting the capital improvement plan and the school~~
 2143 ~~capital facility plans shall be transmitted by October 1, and adopted no later than the~~
 2144 ~~midbiennium review under K.C.C. 4A.100.010)) and adopted in accordance with the~~
 2145 schedules in K.C.C. 20.18.060.B.

2146 B. All transmittals shall be accompanied by a public participation ~~((note))~~ summary,
 2147 identifying the methods used by the executive to assure early and continuous public
 2148 participation in the preparation of updates.

2149 C. Proposed amendments, including site-specific land use map amendments, that
 2150 are found to require preparation of an environmental impact statement, shall be considered
 2151 for inclusion in the next annual, midpoint, or ~~((eight))~~ ten-year update following completion
 2152 of the appropriate environmental documents.

2153 SECTION 34. Ordinance 13147, Section 27, and K.C.C. 20.18.110 are hereby
 2154 amended to read as follows:

2155 Notice of the time, place, and purpose of a public hearing before the council to
 2156 consider amendments to the ~~((e))~~Comprehensive ~~((p))~~Plan or development regulations, other
 2157 than area zoning, shall at a minimum be given by one publication in a newspaper of general
 2158 circulation in the county at least thirty days before the hearing. Notice for site-specific land
 2159 use map amendments ~~((will))~~ shall also be provided ~~((pursuant))~~ in accordance with K.C.C.
 2160 20.18.050. The county shall endeavor to provide such notice in nontechnical language. The

2161 notice shall indicate how the detailed description of the ordinance required by K.C.C.

2162 20.18.100 can be obtained by a member of the public.

2163 SECTION 35. Ordinance 13147, Section 28, as amended, and K.C.C. 20.18.120 are
2164 hereby amended to read as follows:

2165 A. Notice of the time, place, and purpose of a public hearing before the council to
2166 consider changes to area zoning shall, at a minimum, include publication in ~~((the official
2167 county newspaper and another))~~ a newspaper of general circulation and in another
2168 publication in the area for which the area zoning is proposed, if available, at least thirty days
2169 before the hearing. The county shall endeavor to provide such notice in nontechnical
2170 language. The notice shall indicate how the detailed description of the ordinance required
2171 by K.C.C. 20.18.100 can be obtained by a member of the public.

2172 B. Notice of the hearing shall also be given by mail to affected property owners,
2173 appropriate to the scope of the proposal, whose names appear on the rolls of the King
2174 County assessor and shall at a minimum include owners of properties within five hundred
2175 feet of affected property, at least twenty property owners in the vicinity of the property, and
2176 to any individuals or organizations that have formally requested to the department of local
2177 services, permitting division, to be kept informed of applications in an identified area.
2178 Notice shall also be posted on the county's ~~((web site))~~ website. The county shall endeavor
2179 to provide such notice in nontechnical language. The mailed notice required in this section
2180 shall be postmarked at least thirty days before the hearing. If the county sends the mailed
2181 notice by bulk mail, the certificate of mailing shall qualify as a postmark. Failure to notify
2182 any specific property owner shall not invalidate an area zoning proceeding or any resulting
2183 reclassification of land.

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2184 SECTION 36. Ordinance 13147, Section 30, as amended, and K.C.C. 20.18.140 are
 2185 hereby amended to read as follows:

2186 A. In accordance with RCW 36.70A.470, a docket containing written ~~((comments~~
 2187 ~~on))~~ requests for suggested Comprehensive ((P))Plan or development regulation
 2188 amendments shall be coordinated by the department. The docket is the means either to
 2189 suggest a change or to identify a deficiency, or both, in the Comprehensive Plan or
 2190 development regulation. For the purposes of this section, "deficiency" refers to the absence
 2191 of required or potentially desirable contents of the Comprehensive Plan or development
 2192 regulation and does not refer to whether a development regulation addressed a project's
 2193 probable specific adverse environmental impacts that could be mitigated in the project
 2194 review process. Any interested party, including permit applicants, ~~((citizens))~~ members of
 2195 the public, and government agencies, may submit items to the docket.

2196 B. ~~((All agencies of county government having responsibility for elements of the~~
 2197 ~~Comprehensive Plan or implementing development regulations))~~ 1. The department shall
 2198 provide a means by which ~~((citizens))~~ members of the public may docket written comments
 2199 on the plan or on development regulations. The department ~~((shall))~~ should use public
 2200 participation methods identified in K.C.C. 20.18.160 to ~~((solicit public use of))~~ publicize the
 2201 docket. The department shall provide a mechanism for docketing amendments ~~((through))~~
 2202 on the ((Internet)) county's website.

2203 ~~((1-))~~ 2. All docketed comments relating to the Comprehensive Plan shall be
 2204 reviewed by the department and considered for an amendment to the Comprehensive Plan.

2205 ~~((2-))~~ 3. Docketed comments relating to development regulations shall be reviewed
 2206 by the appropriate county agency. Those requiring a Comprehensive Plan amendment shall

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2207 be forwarded to the department and considered for an amendment to the Comprehensive
2208 Plan. Those not requiring a Comprehensive Plan amendment shall be considered by the
2209 responsible county agency for amendments to the development regulations.

2210 4. The deadline for submitting docketed comments is December 31 for
2211 consideration in the update process for the following year.

2212 ~~((3-))~~ 5. Except as provided in subsection B.5. of this section:

2213 a. By the last business day of April, the department shall issue an executive
2214 response to all docketed comments. Responses shall include: a classification of the
2215 recommended changes as appropriate for the annual update, midpoint update ~~((or eight))~~,
2216 ten-year update, or stand-alone development regulations update; and an executive
2217 recommendation indicating whether ~~((or not))~~ the docketed items are to be included in the
2218 next executive-recommended Comprehensive Plan update or a future stand-alone
2219 development regulations update. If the docketed changes will not be included in the next
2220 executive transmittal, the department shall indicate the reasons why, and shall inform the
2221 proponent that they may petition the council during the legislative review process.

2222 ~~((4-))~~ b. By the last business day of April, the department shall forward to the
2223 council a report including all docketed amendments and comments with an executive
2224 response. The report shall include a statement indicating that the department has complied
2225 with the notification requirements in this section. The executive shall attach to the report
2226 copies of the docket requests and supporting materials submitted by the proponents and
2227 copies of the executive response that was issued to the proponents.

2228 6. The docket report shall be made available on the county's website.

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2229 7. Docket requests received between scoping and transmittal of midpoint and ten-
 2230 year updates shall be processed, considered, and reported on by the executive consistent
 2231 with all other public comments.

2232 ~~((5.))~~ 8. ((Upon)) After receipt of the docket report, during the next available
 2233 Comprehensive Plan update, the council shall include all proponents of docketed requests in
 2234 the mailing list for agendas to all committee meetings in which the Comprehensive Plan will
 2235 be reviewed ~~((during the next available update))~~. At the beginning of the committee review
 2236 process, the council shall develop a committee review schedule with dates for committee
 2237 meetings and any other opportunities for public testimony and for proponents to petition the
 2238 council to consider docket changes that were not recommended by the executive and shall
 2239 attach the review schedule to the agenda whenever the Comprehensive Plan is to be
 2240 reviewed.

2241 ~~((6 Docketed comments relating to development regulations shall be reviewed by~~
 2242 ~~the appropriate county agency. Those requiring a Comprehensive Plan amendment shall be~~
 2243 ~~forwarded to the department and considered for an amendment to the Comprehensive Plan.~~
 2244 ~~Those not requiring a Comprehensive Plan amendment shall be considered by the~~
 2245 ~~responsible county agency for amendments to the development regulations.~~

2246 ~~7. The docket report shall be made available through the Internet. The department~~
 2247 ~~shall endeavor to make the docket report available within one week of transmittal to the~~
 2248 ~~council.))~~

2249 C. In addition to the docket, the department shall provide opportunities for receiving
 2250 general public comments ~~((both before the docketing deadline each year, and during the~~
 2251 ~~executive's review periods before transmittal to the council. The opportunities may include,~~

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2252 but are not limited to, the use of the following: ~~comment cards, electronic or posted mail,~~
 2253 ~~Internet, public meetings with opportunities for discussion and feedback, printed summaries~~
 2254 ~~of comments received and twenty-four hour telephone hotlines. The executive shall assure~~
 2255 ~~that the opportunities for public comment are provided as early as possible for each stage of~~
 2256 ~~the process, to assure timely opportunity for public input.)~~ at any time, including as
 2257 provided in K.C.C. 20.18.160.

2258 SECTION 37. Ordinance 13147, Section 32, and K.C.C. 20.18.160 are hereby
 2259 amended to read as follows:

2260 A. ~~((Pursuant to))~~ In accordance with RCW 36.70A.140, the county shall provide
 2261 for early and continuous public participation in the development and amendment of the
 2262 ~~((e))~~Comprehensive ~~((p))~~Plan and any implementing development regulations.

2263 B. The county's ~~((P))~~public participation program shall at a minimum include the
 2264 following elements:

2265 1. ~~((Annual))~~ Broad dissemination of ~~((a schedule))~~ upcoming opportunities for
 2266 public participation, as they are available;

2267 2. ~~((Issuance of a citizen's guide to the comprehensive plan process that provides~~
 2268 ~~i))~~Information on ~~((citizen))~~ public participation in the ~~((e))~~Comprehensive ~~((p))~~Plan
 2269 process, a description of the procedure and schedule for amending the ~~((e))~~Comprehensive
 2270 ~~((p))~~Plan ~~((and/))~~or implementing development regulation~~((s))~~s, and ~~((a guide))~~
 2271 information on how to use the docket;

2272 3. Provision for broad dissemination of the proposal and alternatives appropriate to
 2273 the scope and significance of the proposal. The county shall make available to the public
 2274 printed and electronic information ~~((which))~~ that clearly defines and visually portrays, when

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2275 possible, the range of options under consideration by the county. ~~((This))~~ The information
 2276 shall also include a description of any policy considerations, the schedule for deliberation,
 2277 opportunities for public participation, information on the submittal and review procedures
 2278 for written comments, and the name, email address, and telephone number of the
 2279 responsible official~~((s))~~s. The methods employed to provide the information may include,
 2280 but are not limited to, the use of the following: published notice in ~~((the official county~~
 2281 ~~newspaper))~~ a newspaper of general circulation and other appropriate publications~~((, news~~
 2282 ~~media notification))~~; press releases~~((, mailed))~~ notice to property owners and to ~~((citizens))~~
 2283 members of the public or groups with a known interest in the proposal~~((;))~~; public
 2284 ~~((education and government channel electronic kiosks and))~~ television; the internet~~((;))~~;
 2285 transit advertising~~((;))~~; telephone ~~((and fax))~~ information or comment lines~~((;))~~; public
 2286 review documents ~~((and displays in public facilities, speakers bureau, and printed or~~
 2287 ~~computerized graphics depicting the effect of the proposal))~~; posters, agency newsletters and
 2288 mailing list; and social media. The county shall endeavor to provide such notices in
 2289 nontechnical language;

2290 4. Hosting, speaking at, or attending ~~((P))~~public meetings to obtain comments
 2291 from the public or other agencies on a proposed plan, amendment to the ~~((e))~~Comprehensive
 2292 ~~((p))~~Plan, or implementing development regulation. Public meeting means an informal
 2293 meeting, hearing, workshop, or other public gathering of people for the purpose of obtaining
 2294 public comments and providing opportunities for open discussion. ~~((All public meetings~~
 2295 ~~associated with review of the comprehensive plan or development regulations shall provide~~
 2296 ~~a means for the public to submit items for the docket.))~~ County-hosted public meetings shall
 2297 be appropriately noticed to the public and should be broadly disseminated at least one week

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2298 advance, except that noticing of meetings held by the King County council are subject to
 2299 council rules in K.C.C. chapter 1.24. A ((public)) publicly available record of each county-
 2300 hosted public meeting should be maintained to include ((documentation of)) information
 2301 about attendance, record of any mailed notice, and a ((record)) recording of the meeting or a
 2302 summary of public comments ((not incorporated in the docket));

2303 5. Other methods of public engagement to solicit feedback about the proposal,
 2304 appropriate to the scope and significance of the proposal, such as surveys, focus groups,
 2305 partnering with community-based organizations, and online engagement portals; and

2306 6. ((The county shall provide)) County-provided mechanisms to enable public
 2307 access to additional information. The county shall provide for publicly accessible ((and
 2308 complete)) records of all ((applications,)) docketed amendment requests((;)) and related
 2309 background information during normal business hours. The public may seek assistance
 2310 from the office of ((citizen complaints)) the ombuds to obtain time sensitive information.
 2311 ((Methods of disseminating information may include, but are not limited to, the following:
 2312 published notice of location of public review documents, use of the public education and
 2313 government channel, use of electronic kiosks and the internet, telephone information lines
 2314 with or without fax options, placement of documents in public libraries and community
 2315 centers, speakers bureau and public displays.))

2316 C. ((When technical matters are considered with regard to docketed issues, or to
 2317 evaluate public testimony, due consideration shall be given to technical testimony from the
 2318 public and third party analysis may be sought when appropriate.)) Errors in exact
 2319 compliance with the established procedures do not render the Comprehensive Plan or
 2320 development regulations invalid if the intent of the procedures is met.

2321 D. Emergency Comprehensive Plan amendments, as authorized by K.C.C.
 2322 20.18.030, are exempt from the requirements of this section but still require some public
 2323 notice and an opportunity public comment before adoption of the amendments.

2324 SECTION 38. Ordinance 14047, Section 9, and K.C.C. 20.18.170 are hereby
 2325 amended to read as follows:

2326 A. The purpose of the four-to-one program is to create a contiguous band of open
 2327 space, running north and south along the original urban growth area boundary adopted in the
 2328 1994 Comprehensive Plan.

2329 B. The total area added to the urban growth area as a result of this program shall not
 2330 exceed four thousand acres. The department shall keep a cumulative total for all parcels
 2331 added under this section. ~~((The total shall be updated annually through the plan amendment~~
 2332 ~~process.~~

2333 ~~B.))~~ C. Proposals:

2334 1. ~~((s))~~ Shall be proposed via the docket process in K.C.C. 20.18.140, a scoping
 2335 motion for a midpoint or ten-year Comprehensive Plan update, or an area zoning and land
 2336 use study included in the public review draft of a Comprehensive Plan update;

2337 2. ~~((p))~~ Processed as land use amendments to the Comprehensive Plan; and

2338 3. ~~((m))~~ May be considered in the annual update, midpoint update, or ~~((eight))~~ ten-
 2339 year update.

2340 D. Site suitability ~~((and development conditions))~~ for both the urban and rural
 2341 portions of the proposal shall be established through the preliminary formal plat approval
 2342 process.

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2343 ~~((C:))~~ E. Development conditions for the proposal shall be established through a
 2344 triparty agreement between the county, property owner, and city or town affiliated for future
 2345 annexation. The triparty agreement shall:

2346 1. Be approved via ordinance by the legislative bodies of the county and the city or
 2347 town;

2348 2. Be approved at the time of council adoption of the land use map amendment;
 2349 and

2350 3. Include an effective date that is concurrent with ratification of the countywide
 2351 planning policy map amendment, or the effective date required by section 41 of this
 2352 ordinance, whichever is later. If the amendment is not ratified, the triparty agreement and
 2353 four-to-one proposal shall be void and not take effect, and the urban properties shall be
 2354 restored to the rural area land use designation and associated previous zoning during the
 2355 next annual Comprehensive Plan update.

2356 F. A term conservation easement shall be placed on the open space at the time the
 2357 four to one proposal is approved by the council. Upon final plat approval, the open space
 2358 shall be permanently dedicated ((in fee simple)) to King County. Dedication shall take the
 2359 form of on-site or off-site fee simple, an off-site transfer of development rights conservation
 2360 easement, or an on-site subdivision tract, to be determined in the triparty agreement.

2361 ~~((D:))~~ G. Before taking legislative action on the land use map amendment,
 2362 ~~((P))~~ proposals adjacent to incorporated area or potential annexation areas shall be referred to
 2363 the following entities for recommendations: the affected city ((and)) or town; special
 2364 purpose districts ((for recommendations)), such as sewer, water, and school districts, as
 2365 applicable; state agencies; and tribes, as applicable.

2366 H.1. Proposals adjacent to an incorporated area or potential annexation area may
 2367 only be approved subject to an agreement in writing from a city or town that the area will be
 2368 added to the city's or town's potential annexation area in city's or town's comprehensive plan.
 2369 The countywide planning policy map amendment shall reflect both the urban growth area
 2370 change and potential annexation area change. The triparty agreement shall require the city
 2371 or town to add the potential annexation area to their comprehensive plan following
 2372 ratification of the countywide planning policy map amendment.

2373 2. For proposals adjacent to an incorporated area, the land use map amendment
 2374 and triparty agreement shall prohibit development proposals or activities until the land is
 2375 annexed into the adjacent city or town.

2376 SECTION 39. Ordinance 14047, Section 10, and K.C.C. 20.18.180 are hereby
 2377 amended to read as follows:

2378 Rural area land may be added to the urban growth area in accordance with the
 2379 following criteria:

2380 A. A proposal to add land to the urban growth area under this program shall meet
 2381 the following criteria:

2382 1. A permanent dedication to the King County open space system of four acres of
 2383 open space is required for every one acre of land added to the urban growth area;

2384 2. The land shall not be ~~((zoned agriculture (A)))~~ designated as Natural Resource
 2385 Lands in the Comprehensive Plan;

2386 3. The land added to the urban growth area shall:

2387 a. be ~~((physically contiguous))~~ adjacent to the original urban growth area
 2388 boundary as adopted in the 1994 Comprehensive Plan, unless the director determines that

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2389 the land directly adjacent to the urban growth area contains critical areas that would be
 2390 substantially harmed by development directly adjacent to the urban growth area and that all
 2391 other criteria can be met; ~~((and))~~

2392 b. not be in an area where a contiguous band of public open space, parks, or
 2393 watersheds already exists along the urban growth area boundary; and

2394 c. not expand the urban growth area from a location that was previously
 2395 expanded through the four-to-one program;

2396 4. The land added to the urban growth area shall be able to be served by sewers
 2397 and other urban services;

2398 5. A road serving the land added to the urban area shall not be counted as part of
 2399 the required open space;

2400 6. Land added to the urban growth area for drainage facilities in support of its
 2401 development shall not require dedication of permanent open space;

2402 7. All urban facilities shall be provided directly from the urban area and shall not
 2403 cross the open space or rural area and be located in the urban area except as permitted in
 2404 subsection ~~((E))~~ D. of this section;

2405 ~~((7.))~~ 8. Open space areas shall retain a rural designation;

2406 ~~((8.))~~ 9.a. At least half of the site shall be placed in dedicated open space and shall
 2407 fully buffer the surrounding rural area and natural resource lands from the new urban area.

2408 b. The minimum depth of the open space buffer shall ~~((be one half of the property~~
 2409 ~~width, unless the director determines that a smaller buffer of))~~;

2410 (1) be no less than two hundred feet, unless the director determined that a
 2411 smaller buffer is warranted due to the topography and critical areas on the site~~((, shall))~~;

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2412 (2) generally be parallel to the urban growth area boundary; and

2413 (3) ~~((shall))~~ be configured in such a way as to connect with open space on
 2414 adjacent properties;

2415 c. The open space buffer shall contain Type 1 landscaping in accordance with
 2416 K.C.C. 21A.16.040, unless the director determines that different landscaping would better
 2417 protect natural resources and functions and land use compatibility in the area;

2418 ~~((9.))~~ 10. The minimum size of the property to be considered is twenty acres.
 2419 Smaller parcels may be combined to meet the twenty-acre minimum;

2420 ~~((10.))~~ 11. Urban development under this section shall be limited to residential
 2421 development and shall be at a minimum density of ~~((four))~~ eight dwelling units per acre; and

2422 ~~((11.))~~ 12. The land to be retained in open space is not needed for any facilities
 2423 necessary to support the urban development; and

2424 B. ~~((A proposal that adds two hundred acres or more to the urban growth area shall~~
 2425 ~~also meet the following criteria:~~

2426 1. ~~The proposal shall include a mix of housing types including thirty percent~~
 2427 ~~below-market-rate units affordable to low, moderate and median income households;~~

2428 2. ~~In a proposal in which the thirty percent requirement in subsection B.1 of this~~
 2429 ~~section is exceeded, the required open space dedication shall be reduced to three and one-~~
 2430 ~~half acres of open space for every one acre added to the urban growth area;~~

2431 C. ~~A proposal that adds less than two hundred acres to the urban growth area and~~
 2432 ~~that meets the affordable housing criteria in subsection B.1. of this section shall be subject to~~
 2433 ~~a reduced open space dedication requirement of three and one-half acres of open space for~~

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2434 ~~every one acre added to the urban growth area;))~~ Proposals shall comply with the affordable
2435 housing requirements in section 40 of this ordinance;

2436 ~~((D.))~~ C. Requests for redesignation shall be evaluated to determine those that are
2437 the highest quality, including, but not limited to, consideration of the following:

2438 1. Preservation of fish and wildlife habitat, including wildlife habitat networks, and
2439 habitat for endangered and threatened species;

2440 2. Provision of regional open space connections;

2441 3. Protection of wetlands, stream corridors, ground water, and water bodies;

2442 4. Preservation of unique natural, biological, cultural, historical, or archeological
2443 resources;

2444 5. The size of open space dedication and connection to other open space
2445 dedications along the urban growth area boundary; and

2446 6. The ability to provide extensions of urban services to the redesignated urban
2447 areas; and

2448 ~~((E.))~~ D. The open space acquired through this program shall be preserved primarily
2449 as natural areas, passive recreation sites or resource lands for farming and forestry. The
2450 following additional uses may be allowed only if located on a small portion of the open
2451 space and provided that these uses are found to be compatible with the site's natural open
2452 space values and functions:

2453 1. Trails;

2454 2. Compensatory mitigation of wetland losses on the urban designated portion of
2455 the ~~((project))~~ proposal, consistent with the ~~((King County))~~ Comprehensive Plan and
2456 K.C.C. chapter 21A.24; and

2457 3. Active recreation uses not to exceed five percent of the total open space area.
2458 The support services and facilities for the active recreation uses may locate within the active
2459 recreation area only, and shall not exceed five percent of the total acreage of the active
2460 recreation area. The entire open space area, including any active recreation site, is a regional
2461 resource. It shall not be used to satisfy the on-site active recreation space requirements in
2462 K.C.C. 21A.14.180 for the urban portion of the four to one property.

2463 NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter 20.18 a
2464 new section to read as follows:

2465 For a four-to-one proposal that adds ten or more dwelling units, the land use map
2466 amendment and triparty agreement shall require following:

2467 A.1. Thirty percent of the total number of dwelling units shall be affordable units.

2468 2. For proposals that include only owner-occupied market rate dwelling units, all
2469 affordable dwelling units shall be:

2470 a. Owner-occupied dwelling units;

2471 b. Affordable to residents earning up to eight percent of area median income; and

2472 c. Affordable for at least fifty years from the date of initial occupancy.

2473 3. For proposals that include only rental dwelling units, all affordable dwelling
2474 units shall be:

2475 a. rental dwelling units;

2476 b. affordable to residents earning up to sixty percent of area median income; and

2477 c. Affordable for the life of the project.

2478 4. For proposals that include both homeownership and rental dwelling units:

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2479 a. The proportion of affordable rental dwelling units to affordable owner-
2480 occupied dwelling units shall be identical to the proportion of market rate rental dwelling
2481 units to market rate owner-occupied dwelling units; and

2482 b. Meet the applicable affordability levels in subsections A.1. and A.2. of this
2483 section.

2484 B. Affordable dwelling units shall be developed consistent with K.C.C.
2485 21A.48.050.A.

2486 C. The number of required affordable dwelling units shall be calculated consistent
2487 with K.C.C. 21A.47.040.A. Accessory dwelling units shall not be used to meet the
2488 requirements of this section.

2489 D. Developments subject to this section shall be subject to K.C.C. 21A.48.060 and
2490 K.C.C. 21A.48.080.

2491 NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter 20.18 a
2492 new section to read as follows:

2493 A. The effective date of an amendment that adds land to the urban growth area,
2494 removes land from the agricultural production district or forest production district, or
2495 removes land from the mineral resources map shall be after the latest of the following:

2496 1. Sixty days after the date of publication of notice of adoption of the
2497 Comprehensive Plan; or

2498 2. If a petition for review to the growth management hearings board is timely filed,
2499 upon issuance of the board's final order.

2500 B. The effective date required in subsection A. of this section shall be specified in
2501 the ordinance adopting the amendments.

2502 SECTION 42. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are
2503 hereby amended to read as follows:

2504 A. Land use permit decisions are classified into four types, based on who makes the
2505 decision, whether public notice is required, whether a public hearing is required before a
2506 decision is made, and whether administrative appeals are provided. The types of land use
2507 decisions are listed in subsection E. of this section.

2508 1. Type 1 decisions are made by the permitting division manager or designee ("the
2509 director") of the department of local services ("the department"). Type 1 decisions are
2510 nonappealable administrative decisions.

2511 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
2512 decisions that are subject to administrative appeal.

2513 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
2514 following an open record hearing.

2515 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
2516 record established by the hearing examiner.

2517 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080, or unless otherwise
2518 agreed to by the applicant, all Type 2, 3, and 4 decisions included in consolidated permit
2519 applications that would require more than one type of land use decision process may be
2520 processed and decided together, including any administrative appeals, using the highest-
2521 numbered land use decision type applicable to the project application.

2522 C. Certain development proposals are subject to additional procedural requirements
2523 beyond the standard procedures established in this chapter.

2524 D. Land use permits that are categorically exempt from review under SEPA do not
 2525 require a threshold determination (determination of nonsignificance ["DNS"] or
 2526 determination of significance ["DS"]). For all other projects, the SEPA review procedures
 2527 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

2528 E. Land use decision types are classified as follows:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. chapter 21A.45; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition, or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition, or deny alteration exceptions; decisions to approve, condition, or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not
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		<p>equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat; critical area determination.</p>
<p>TYPE 2^{1,2}</p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; short plat vacation; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit³; building permit, site development permit, or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B.;</p>

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		preliminary determinations under K.C.C. 20.20.030.B.; decisions to approve, condition, or deny alteration exceptions or variances to floodplain development regulations under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances; sea level rise risk area variance adopted in K.C.C. chapter 21A.23.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, no further administrative appeal)	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; special use.
TYPE 4 ^{1,4}	(Recommendation by director, hearing and recommendation by hearing examiner, decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; (urban planned development;) amendment or deletion of P suffix conditions; deletion of special district overlay.

2529 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA

2530 appeals and appeals of Type 2, 3, and 4 decisions.

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2531 ² When an application for a Type 2 decision is combined with other permits requiring Type
2532 3 or 4 land use decisions under this chapter, the examiner, not the director, makes the
2533 decision.

2534 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to the
2535 state Shorelines Hearings Board and not to the hearing examiner.

2536 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
2537 council at any time. Zone reclassifications that are not consistent with the Comprehensive
2538 Plan require a site-specific land use map amendment and the council's hearing and
2539 consideration shall be scheduled with the amendment to the Comprehensive Plan under
2540 K.C.C. 20.18.040 and 20.18.060.

2541 F. The definitions in K.C.C. 21A.45.020 apply to this section.

2542 SECTION 43. Ordinance 16950, Section 10, as amended, and K.C.C. 20.20.035 are
2543 hereby amended to read as follows:

2544 When an applicant is required by K.C.C. chapter 21A.08 to conduct a community
2545 meeting, under this section, before filing of an application, notice of the meeting shall be
2546 given and the meeting shall be conducted as follows:

2547 A. At least two weeks in advance, the applicant shall:

2548 1. Publish notice of the meeting in the local paper and mail and email to the
2549 department; and

2550 2. Mail notice of the meeting to all property owners within five hundred feet or at
2551 least twenty of the nearest property owners, whichever is greater, as provided in K.C.C.
2552 21A.26.170 of any potential sites, identified by the applicant for possible development, to be
2553 discussed at the community meeting. The mailed notice shall, at a minimum, contain a brief

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2554 description and purpose of the proposal, approximate location noted on an assessor map
2555 with address and parcel number, photograph or sketch of any existing or proposed
2556 structures, a statement that alternative sites proposed by ~~((citizens))~~ the public can be
2557 presented at the meeting that will be considered by the applicant, a contact name and
2558 telephone number to obtain additional information, and other information deemed necessary
2559 by the department of local services, permitting division. Because the purpose of the
2560 community meeting is to promote early discussion, applicants shall ~~((to))~~ note any changes
2561 to the conceptual information presented in the mailed notices when they submit ~~((an))~~
2562 applications;

2563 B. At the community meeting at which at least one employee of the department of
2564 local services, permitting division, assigned by the permitting division manager or designee,
2565 shall be in attendance, the applicant shall provide information relative to the proposal and
2566 any modifications proposed to existing structures or any new structures and how the
2567 proposal is compatible with the character of the surrounding neighborhood. An applicant
2568 shall also provide with the applicant's application a list of meeting attendees~~((s))~~ and those
2569 receiving mailed notice of the meeting and a record of the published meeting notice; and

2570 C. The applicant shall, in the notice required under subsection A.2. of this section,
2571 and at the community meeting required under subsection B. of this section, advise that
2572 persons interested in the applicant's proposal may monitor the progress of the permitting of
2573 that proposal by contacting the department or by viewing the department's website, the
2574 address of which will be provided in the notice and at the community meeting.

2575 SECTION 44. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are
2576 hereby amended to read as follows:

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2577 A. The department shall issue its Type 3 or Type 4 recommendation to the office of
 2578 the hearing examiner within one hundred fifty days from the date the department notifies the
 2579 applicant that the application is complete. The periods for action by the examiner shall be
 2580 governed by K.C.C. chapter 20.22 and the rules for conducting the examiner process
 2581 adopted under K.C.C. 20.22.230.

2582 B.1. Except as otherwise provided in subsection B.2. of this section, the department
 2583 shall issue its final decision on a Type 1 or Type 2 decision within one hundred twenty days
 2584 from the date the department notified the applicant that the application is complete.

2585 2. The following periods apply to the type of land use permit indicated:

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

2586 C. The following periods shall be excluded from the times specified in subsections
 2587 A., B., and H. of this section:

2588 1.a. Any period during which the applicant has been requested by the department,
 2589 the examiner or the council to correct plans, perform required studies, or provide additional

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2590 information, including road variances and (~~(variances))~~ adjustments required under K.C.C.
2591 chapter 9.04. The period shall be calculated from the date of notice to the applicant of the
2592 need for additional information until the earlier of the date the county advises the applicant
2593 that the additional information satisfies the county's request or fourteen days after the date
2594 the information has been provided. If the county determines that corrections, studies, or
2595 other information submitted by the applicant is insufficient, it shall notify the applicant of
2596 the deficiencies and the procedures of this section shall apply as if a new request for
2597 information had been made.

2598 (~~(a-))~~ b. The department shall set a reasonable deadline for the submittal of
2599 corrections, studies, or other information, and shall provide written notification to the
2600 applicant. The department may extend the deadline upon receipt of a written request from
2601 an applicant providing satisfactory justification for an extension.

2602 (~~(b-))~~ c. When granting a request for a deadline extension, the department shall
2603 give consideration to the number of days between the department receiving the request for a
2604 deadline extension and the department mailing its decision regarding that request;

2605 2. The period during which an environmental impact statement is being prepared
2606 following a determination of significance under chapter 43.21C RCW, as (~~(set forth))~~
2607 established in K.C.C. 20.44.050;

2608 3. The period during which an appeal is pending that prohibits issuing the permit;

2609 4. Any period during which an applicant fails to post the property, if required by
2610 this chapter, following the date notice is required until an affidavit of posting is provided to
2611 the department by the applicant;

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2612 5. Any time extension mutually agreed upon by the applicant and the department;
2613 and

2614 6. Any time during which there is an outstanding fee balance that is sixty days or
2615 more past due.

2616 D. Failure by the applicant to submit corrections, studies, or other information
2617 acceptable to the department after two written requests under subsection C. of this section
2618 shall be cause for the department to cancel or deny the application.

2619 E. The time limits established in this section shall not apply if a proposed
2620 development:

2621 1. Requires either: an amendment to the Comprehensive Plan or a development
2622 regulation; or modification or waiver of a development regulation as part of a demonstration
2623 project;

2624 2. Requires approval of a ~~((new fully contained community as provided in RCW~~
2625 ~~36.70A.350,))~~ master planned resort as provided in RCW 36.70A.360((;)) or the siting of an
2626 essential public facility as provided in RCW 36.70A.200; or

2627 3. Is revised by the applicant, when the revisions will result in a substantial change
2628 in a project's review requirements, as determined by the department, in which case the
2629 period shall start from the date at which the revised project application is determined to be
2630 complete.

2631 F. The time limits established in this section may be exceeded on more complex
2632 projects. If the department is unable to issue its Type 1 or Type 2 decision or its Type 3 or
2633 Type 4 recommendation within the time limits established by this section, it shall provide
2634 written notice of this fact to the applicant. The notice shall include a statement of reasons

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2635 why the time limits have not been met and an estimated date for issuance of the notice of a
2636 Type 1 or Type 2 decision or a Type 3 or Type 4 recommendation.

2637 G. The department shall require that all plats, short plats, building permits, clearing
2638 and grading permits, conditional use permits, special use permits, site development permits,
2639 shoreline substantial development permits, or binding site plans~~((, urban planned
2640 development permits, or fully contained community permits))~~, issued for development
2641 activities on or within five hundred feet of designated agricultural lands, forest lands, or
2642 mineral resource lands, contain a notice that the subject property is within or near designated
2643 agricultural lands, forest lands, or mineral resource lands, on which a variety of commercial
2644 activities may occur that are not compatible with residential development for certain periods
2645 of limited duration.

2646 H. To the greatest extent practicable, the department shall make a final
2647 determination on all permits required for a Washington state Department of Transportation
2648 project on a state highway as defined in RCW 46.04.560 with an estimated cost of less than
2649 five hundred million dollars no later than ninety days after receipt of a complete permit
2650 application.

2651 SECTION 45. Ordinance 12196, Section 19, as amended, and K.C.C. 20.20.120 are
2652 hereby amended to read as follows:

2653 The ~~((director))~~ department shall ~~((issue a citizen's guide to))~~ produce guides
2654 describing permit processing, including making an appeal or participating in a hearing. The
2655 department shall make them available to the public in printed and electronic forms and shall
2656 post them to its website.

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2657 SECTION 46. Ordinance 4461, Section 10, as amended, and K.C.C. 20.22.150 are
 2658 hereby amended to read as follows:

2659 Examiner recommendations on an application for a zone reclassification shall
 2660 include findings on whether the application meets ~~((both of))~~ the following:

2661 A. The proposed rezone is consistent with the King County Comprehensive Plan
 2662 policies, narrative, maps, and land use designations; ~~((and))~~

2663 B.1.a. The property is potentially zoned under K.C.C. 21A.04.170 for the
 2664 reclassification being requested; or

2665 ~~((2.))~~ b. An adopted subarea plan~~((, subarea study,))~~ or an area zoning and land use
 2666 study specifies that the property shall be subsequently considered through an individual
 2667 reclassification application; or

2668 ~~((3.))~~ 2. The requested reclassification is based on ~~((changed))~~ a substantial change
 2669 in unincorporated area conditions, including but not limited to:

2670 a. the availability of public facilities or infrastructure;

2671 b. development patterns on surrounding parcels; or

2672 c. the quantity or quality of environmentally sensitive areas, not caused by actions
 2673 of the applicant; and

2674 C. That the classification would not harm or diminish the surrounding area.

2675 SECTION 47. Ordinance 9544, Section 16, as amended, and K.C.C. 20.22.180 are
 2676 hereby amended to read as follows:

2677 For a proposed preliminary plat, the examiner decision shall include findings as to
 2678 whether:

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2679 A. Appropriate provisions are made for the public health, safety, and general
2680 welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways,
2681 transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds,
2682 schools, and school grounds, and all other relevant facts, including sidewalks and other
2683 planning features that assure safe walking conditions for students who walk to and from
2684 school; ~~((and))~~

2685 B. The public use and interest will be served by platting the subdivision and
2686 dedication; and

2687 C. When a subdivision uses transfer of development rights to exceed base density,
2688 the additional density does not create unmitigated impacts beyond those created by
2689 development at base density.

2690 SECTION 48. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are
2691 hereby amended to read as follows:

2692 A. The definitions in this section apply throughout this section, as well as in K.C.C.
2693 20.36.040 and K.C.C. 20.30.190, unless the context clearly requires otherwise.

2694 B. To be eligible for open space classification under the public benefit rating
2695 system, a property must contain one or more qualifying open space resources and have at
2696 least five points as determined under this section. The department shall review each
2697 application and recommend award of credit for current use of the property. In making the
2698 recommendation, the department shall utilize the point system described in subsections C.
2699 and D. of this section.

2700 C. The following open space resources are each eligible for the points indicated:

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2701 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means
2702 land in private ownership through which the owner agrees to allow (~~nonmotorized~~) public
2703 passage for active transportation, as defined in section 11 of this ordinance., for the purpose
2704 of providing a connection between trails within the county's regional trails system and local
2705 or regional attractions or points of interest, for trail users including equestrians, pedestrians,
2706 bicyclists, and other users. "Local or regional attractions or points of interest" include other
2707 trails, parks, waterways, or other recreational and open space attractions, retail centers, arts
2708 and cultural facilities, transportation facilities, residential concentrations, or similar
2709 destinations. The linkage must be open to passage by the general public and the property
2710 owner shall enter into an agreement with the county consistent with applicable parks and
2711 recreation division policies to grant public access. To receive twenty-five points, the
2712 property owner shall enter into an agreement with the county regarding improvement of the
2713 trail, including trail pavement and maintenance. To receive fifteen points, the property
2714 owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division
2715 is authorized to develop criteria for determining the highest priority linkages for which it
2716 will enter into agreements with property owners;

2717 2. Aquifer protection area-five points. "Aquifer protection area" means property
2718 that has a plant community in which native plants are dominant and that includes an area
2719 designated as a critical aquifer recharge area under K.C.C. chapter 21A.24 or applicable city
2720 critical aquifer recharge area regulations. At least fifty percent of the enrolling open space
2721 area or a minimum of one acre of open space shall be designated as a critical aquifer
2722 recharge area. If the enrolling open space area does not have a plant community in which
2723 native plants are dominant, a plan for revegetation must be submitted and approved by the

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2724 department, and must be implemented according to the plan's proposed schedule of
2725 activities;

2726 3. Buffer to public or current use classified land - three points. "Buffer to public or
2727 current use classified land" means land that has a plant community in which native plants
2728 are dominant or has other natural features, such as streams or wetlands, and that is abutting
2729 and provides a buffer to a publicly owned park, trail, or forest, to land legally required to
2730 remain in a natural state, to a state or federal highway, or to a property participating in a
2731 current use taxation program under chapters 84.33 or 84.34 RCW. The buffer must be at
2732 least fifty feet long and fifty feet in wide. Public roads may separate the public land, or land
2733 in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land,
2734 if the entire buffer is at least as wide and long as the adjacent section of the road easement.
2735 Landscaping or other nonnative vegetation may not separate the public land or land enrolled
2736 under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may
2737 grant an exception to the native vegetation requirement for property along parkways with
2738 historic designation, upon review and recommendation of the historic preservation officer of
2739 King County or the local jurisdiction in which the property is located. Eligibility for this
2740 exception does not extend to a property where plantings are required or existing plant
2741 communities are protected under local zoning codes, development mitigation requirements,
2742 or other local regulations;

2743 4. Ecological enhancement land – eighteen points. "Ecological enhancement land"
2744 means open space lands undergoing recovery of significantly degraded or lost ecological
2745 function or processes. The following requirements shall be met:

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2746 a. A jurisdiction, natural resource agency, or appropriate organization has
2747 committed to sponsoring the ecological enhancement project, with secured funding in place
2748 before the application's public hearing;

2749 b. The ecological enhancement project must include removing significant human-
2750 made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and
2751 wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the
2752 removal must be to reestablish natural function or processes to the project area;

2753 c. The owner is responsible for providing and implementing an ecological
2754 enhancement plan for the proposed project. The approved enhancement plan must include
2755 at least a statement of purpose, detailed description of work to be done, site map of the
2756 project area, and specific timeline for the enhancement activities to be completed and must
2757 be approved by the department; and

2758 d. The owner shall annually provide to the department a monitoring report
2759 detailing the enhancement efforts' success for five years following enrollment. The owner
2760 shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The
2761 monitoring report must describe the progress and success of the enhancement project and
2762 must include photographs to document the success. Land receiving credit for this category
2763 may not receive credit for the rural stewardship land or resource restoration categories;

2764 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-
2765 pedestrian-bicycle trail linkage" means land in private ownership that the property owner
2766 allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other
2767 ~~((nonmotorized))~~ active transportation, as defined in section 11 of this ordinance, uses or
2768 that provides a trail link from a public ~~((right-of-way))~~ right of way to a trail system. Use of

2769 motorized vehicles is prohibited on trails receiving a tax reduction for this category, except
2770 for maintenance or for medical, public safety, or police emergencies. Public access is
2771 required only on that portion of the property containing the trail. The landowner may
2772 impose reasonable restrictions on access that are mutually agreed to by the landowner and
2773 the department, such as limiting use to daylight hours. To be eligible as an equestrian-
2774 pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate
2775 public or private entity acceptable to the department. The easement shall be recorded with
2776 the King County recorder's office or its successor. In addition to the area covered by the
2777 trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock
2778 may be included, if an approved and implemented farm management plan is provided. Land
2779 necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes
2780 to the aesthetics of the trail, such as a forest, and land set aside and marked for off road
2781 parking for trail users may also be included as land eligible for current use taxation. Those
2782 portions of private roads, driveways, or sidewalks open to the public for this purpose may
2783 also qualify. Fencing and gates are not allowed in the trail easement area, except those that
2784 are parallel to the trail or linkage;

2785 6. Farm and agricultural conservation land - five points. "Farm and agricultural
2786 conservation land" means land previously classified as farm and agricultural land under
2787 RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional
2788 farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a
2789 use inconsistent with agricultural uses and has a high potential for returning to commercial
2790 agriculture. The property must be used for farm and agricultural activities or have a high
2791 probability of returning to agriculture and the property owner must commit to returning the

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2792 property to farm or agricultural activities by implementing a farm management plan. An
2793 applicant must have an approved farm management plan in accordance with K.C.C.
2794 21A.24.051 that is acceptable to the department and that is being implemented according to
2795 its proposed schedule of activities before receiving credit for this category. Farm and
2796 agricultural activities must occur on at least one acre of the property. Eligible land must be
2797 zoned to allow agricultural uses and be owned by the same owner or held under the same
2798 ownership. Land receiving credit for this category may not receive credit for the contiguous
2799 parcels under separate ownership category;

2800 7. Forest stewardship land - five points. "Forest stewardship land" means property
2801 that is managed according to an approved forest stewardship plan and that is not enrolled in
2802 the designated forestland program under chapter 84.33 RCW. The property must contain at
2803 least four acres of contiguous forestland, which may include land undergoing reforestation,
2804 according to the approved plan. The owner shall have and implement a forest stewardship
2805 plan approved by the department. The forest stewardship plan may emphasize forest
2806 retention, harvesting, or a combination of both. Land receiving credit for this category may
2807 not receive credit for the resource restoration or rural stewardship land categories;

2808 8. Historic landmark or archeological site: buffer to a designated site - three
2809 points. "Historic landmark or archeological site: buffer to a designated site" means
2810 property adjacent to land constituting or containing a designated county or local historic
2811 landmark or archeological site, as determined by King County's historic preservation officer
2812 or by a manager of a certified local government program in the jurisdiction in which the
2813 property is located. A property must have a plant community in which native plants are
2814 dominant and provide a significant buffer for a designated landmark or archaeological site

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2815 listed on the county or other certified local government list or register of historic places or
2816 landmarks. "Significant buffer" means land and plant communities that provide physical,
2817 visual, noise, or other barriers and separation from adverse effects to the historic resources
2818 due to adjacent land use;

2819 9. Historic landmark or archeological site: designated site - five points. "Historic
2820 landmark or archaeological site: designated site" means land that constitutes or contains a
2821 historic landmark designated by King County or other certified local government program in
2822 the jurisdiction in which the property is located. Historic landmarks include buildings,
2823 structures, districts, or sites of significance in the county's historic or prehistoric heritage,
2824 such as Native American settlements, trails, pioneer settlements, farmsteads, roads,
2825 industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or
2826 traditional cultural properties. A property must be listed on a county or other certified local
2827 government list or register of historic places or landmarks for which there is local regulatory
2828 protection. Eligible property may include property that contributes to the historic character
2829 within designated historic districts, as defined by the historic preservation officer of King
2830 County or other certified local government jurisdiction. The King County historic
2831 preservation officer shall make the determination on eligibility;

2832 10. Historic landmark or archeological site: eligible site - three points. "Historic
2833 landmark or archaeological site: eligible site" means land that constitutes or contains a
2834 historic property that has the potential of being designated by a certified local government
2835 jurisdiction, including buildings, structures, districts, or sites of significance in the county's
2836 historic or prehistoric heritage, such as Native American settlements, pioneer settlements,
2837 farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic

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2838 archaeological sites, or traditional cultural properties. To be eligible, the historic
 2839 preservation officer of King County or other certified local government program in the
 2840 jurisdiction in which the property is located shall determine the property meets the
 2841 jurisdiction's criteria for designation and listing on the county or other local register of
 2842 historic places or landmarks for which there is local regulatory protection. Eligible property
 2843 may include contributing property within designated historic districts. Property listed ~~((on))~~
 2844 in the state or national Registers of Historic Places may qualify under this category;

2845 11. Public recreation area - five points. "Public recreation area" means land
 2846 devoted to providing active or passive recreation use or that complements or substitutes for
 2847 recreation facilities characteristically provided by public agencies. Use of motorized
 2848 vehicles is prohibited, except for golf carts on golf courses, for maintenance or for medical,
 2849 public safety, or police emergencies. The facilities must be open to the general public or to
 2850 specific public user groups, such as youth, seniors ~~((citizens))~~, or people with disabilities. A
 2851 property must be identified by the responsible agency within whose jurisdiction the property
 2852 is located as meeting the definition of public recreation area. The property owner must use
 2853 any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it must be
 2854 comparable to the fee charged by a similar public facility;

2855 12. Rural open space - five points. "Rural open space" means an area of ten or
 2856 more contiguous acres of open space located outside of the urban growth area as identified
 2857 in the King County Comprehensive Plan that:

- 2858 a. has a plant community in which native plants are dominant; or
- 2859 b. is former open farmland, woodlots, scrublands, or other lands that are in the
 2860 process of being replanted with native vegetation and for which the property owner is

2861 implementing an approved farm management, ecological enhancement, forest stewardship,
2862 rural stewardship₂ or resource restoration plan acceptable to the department;

2863 13. Rural stewardship land - five points. "Rural stewardship land" means land
2864 zoned RA (rural area), A (agricultural)₂ or F (forest), that has an implemented rural
2865 stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned
2866 properties, the approved rural stewardship plan must meet the goals and standards of K.C.C.
2867 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan
2868 meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited
2869 to, identification of critical areas, location of structures and significant features, site-specific
2870 best management practices, a schedule for implementation₂ and a plan for monitoring as
2871 provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space
2872 must be at least one acre and feature a plant community in which native plants are dominant
2873 or be in the process of native vegetation restoration, reforestation₂ or enhancement. Land
2874 receiving credit for this category may not receive credit for the ecological enhancement
2875 land, resource restoration₂ or forest stewardship land categories;

2876 14. Scenic resource, viewpoint or view corridor - five points.

2877 a. "Scenic resource" means an area of natural or recognized cultural features
2878 visually significant to the aesthetic character of the county. The site must be significant to
2879 the identity of the local area, must be visible to a significant number of the general public
2880 from public rights-of-way, must be of sufficient size to substantially preserve the scenic
2881 resource value and must enroll at least ten acres of open space.

2882 b. A "viewpoint" means a property that provides a view of an area visually
2883 significant to the aesthetic character of the county. A site must provide a view of a scenic

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2884 natural or recognized cultural resource in King County or other visually significant area,
2885 must allow unlimited public access and must be identified by a permanent sign readily
2886 visible from a road or other public (~~(right-of-way)~~) right of way.

2887 c. A "view corridor" means a property that contributes to the aesthetics of a
2888 recognized view corridor critical to maintaining a public view of a visually significant scenic
2889 natural or recognized cultural resource. The site must contain at least one acre of open space
2890 that contributes to a view corridor visible to the public and that provides views of a scenic
2891 natural resource area or recognized cultural resource significant to the local area. The King
2892 County historic preservation officer or officer of another certified local government program
2893 in the jurisdiction in which the property is located must find the recognized cultural areas to
2894 be significant and must find that the site contains significant inventoried or designated
2895 historic properties. Eligibility is subject to determination by the department or applicable
2896 jurisdiction;

2897 15. Significant plant or ecological site - five points. "Significant plant or
2898 ecological site" means an area that meets the criteria for Element Occurrence established
2899 under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An
2900 Element Occurrence is a particular, on-the-ground observation of a rare species or
2901 ecosystem. An eligible site must be listed as an Element Occurrence by the Washington
2902 Natural Heritage Program or be identified as a property that meets the criteria for an
2903 Element Occurrence. The identification must be confirmed by a qualified expert acceptable
2904 to the department. The department notify the Washington Natural Heritage Program of any
2905 verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums,

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2906 or other maintained garden sites with native or nonnative plantings are ineligible for this
2907 category;

2908 16. Significant wildlife or salmonid habitat - five points.

2909 a. "Significant wildlife or salmonid habitat" means:

2910 (1) an area used by animal species listed as endangered, threatened, sensitive, or
2911 candidate by the Washington state Department of Fish and Wildlife or Department of
2912 Natural Resources or used by species of local significance that are listed by the King County
2913 Comprehensive Plan or a local jurisdiction;

2914 (2) an area where the species listed in subsection C.16.a.(1) of this section are
2915 potentially found with sufficient frequency for critical ecological processes, such as
2916 reproduction, nesting, rearing, wintering, feeding, or resting, to occur;

2917 (3) a site that meets the criteria for priority habitats as defined by the
2918 Washington state Department of Fish and Wildlife and that is so listed by the King County
2919 Comprehensive Plan or by the local jurisdiction in which the property is located; or

2920 (4) a site that meets criteria for a wildlife habitat conservation area as defined by
2921 the department or a local jurisdiction.

2922 b. To be eligible, the department, by its own determination or by expert
2923 determination acceptable to the department, must verify that qualified species are present on
2924 the property or that the land fulfills the functions described in subsection C.16.a. of this
2925 section. To receive credit for salmonid habitat, the owner shall provide a buffer at least
2926 fifteen percent greater in width than required by any applicable regulation. Property
2927 consisting mainly of disturbed or fragmented open space determined by the department as
2928 having minimal wildlife habitat significance is ineligible;

2929 17. Special animal site - three points. "Special animal site" means a site that
2930 includes a wildlife habitat network identified by the King County Comprehensive Plan or
2931 individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or a
2932 biodiversity area and corridor identified by the Washington state Department of Fish and
2933 Wildlife's priority habitats and species project as of the date of the application. The property
2934 must be identified by King County or local or state jurisdiction or by expert verification
2935 acceptable to the department or local jurisdiction. Property consisting mainly of disturbed
2936 or fragmented open space determined by the department to have minimal wildlife habitat
2937 significance is ineligible for this category;

2938 18. Surface water quality buffer - five, eight or ten total points. "Surface water
2939 quality buffer" means an undisturbed area that has a plant community in which native plants
2940 are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or
2941 abutting the property, that provides buffers beyond that required by any applicable
2942 regulation. To receive five points, the buffer must be at least fifty percent wider than the
2943 buffer required by any applicable regulation. To receive eight points, the buffer must be at
2944 least two times the required width. To receive ten points, the buffer must be at least three
2945 times the required width. The qualifying buffer must be longer than twenty-five feet and
2946 must be preserved from clearing or maintenance, unless this area is part of a department-
2947 approved ecological enhancement, farm management, forest stewardship, rural stewardship,
2948 or resource restoration plan. Grazing use by livestock on such land is prohibited;

2949 19. Urban open space - five points.

2950 a. "Urban open space" means land located within the boundaries of a city or
2951 within the urban growth area that has a plant community in which native plants are

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2952 dominant and that under the applicable zoning is eligible for more intensive development or
2953 use. The enrolling area must be at least one acre, or be at least one-half acre if the land
2954 meets one of the following criteria:

2955 (1) the land conserves and enhances natural or scenic resources;

2956 (2) the land protects streams or water supply;

2957 (3) the land promotes conservation of soils, wetlands, beaches, or tidal
2958 marshes;

2959 (4) the land enhances the value to the public of adjacent parks, forests, wildlife
2960 preserves, nature reservations or sanctuaries, or other open space;

2961 (5) the land enhances recreation opportunities for the general public; or

2962 (6) the land preserves visual quality along highways, roads, and streets or
2963 scenic vistas.

2964 b. Owners of noncontiguous properties that together meet the minimum acreage
2965 requirement may jointly apply under this category if each property is closer than seventy-
2966 five feet to one other property in the application and if each property contains an enrolling
2967 open space area at least as large as the minimum zoned lot size; and

2968 20. Watershed protection area - five points. "Watershed protection area" means
2969 property contributing to the forest cover that provides run-off reduction and groundwater
2970 protection. The property must consist of contiguous native forest or be in the process of
2971 reforestation. The enrolling forested area must consist of additional forest cover beyond that
2972 required by county or applicable local government regulation and must be at least one acre
2973 or sixty-five percent of the property acreage, whichever is greater. If reforestation or
2974 improvements to the forest health are necessary, the property owner shall provide and

2975 implement an ecological enhancement, a forest stewardship, resource restoration, or rural
2976 stewardship plan that addresses this need and is acceptable to the department.

2977 D. Property qualifying for an open space category in subsection C. of this section
2978 may receive credit for additional points as follows:

2979 1. Conservation easement or historic preservation easement - eighteen points.

2980 "Conservation easement or historic preservation easement" means land on which an
2981 easement is voluntarily placed that restricts, in perpetuity, further potential development or
2982 other uses of the property. The easement must be approved by the department and be
2983 recorded with the King County recorder's office or its successor. The easement must be
2984 conveyed to the county or to an organization acceptable to the department, such as a land
2985 trust or conservancy. Historic preservation easements must also be approved by the historic
2986 preservation officer of King County or of the local government jurisdiction in which the
2987 property is located. An easement required by zoning, subdivision conditions or other land
2988 use regulation is not eligible unless an additional substantive easement area is provided
2989 beyond that otherwise required;

2990 2. Contiguous parcels under separate ownership - two points.

2991 a. "Contiguous parcels under separate ownership" means at least two or more
2992 parcels under different ownership where either:

2993 (1) the enrolling parcels and open space acreage abut each other without a
2994 significant human-made barrier separating them; or

2995 (2) the enrolling parcels do not abut each other, but abut a publicly owned open
2996 space, without a significant human-made barrier separating the publicly owned open space
2997 and the open space portion of the parcels seeking open space classification.

2998 b. Award of this category requires a single application by multiple owners and
2999 parcels with identical qualifying public benefit rating system resources. Only a single
3000 application fee is required.

3001 c. Contiguous parcels of land with the same qualifying public benefit rating
3002 system resources are eligible for treatment as a single parcel if open space classification is
3003 sought under the same application except as otherwise prohibited by the farm and
3004 agricultural conservation land category. Each parcel need not meet the minimum acreage
3005 requirements for a resource category so long as the total area of all enrolling land combined
3006 meets any required minimum acreage requirements. The owners of each parcel included in
3007 the application must agree to identical terms and conditions for enrollment in the program.

3008 d. Individual parcels or portions of parcels may be withdrawn or removed from
3009 open space classification, consistent with all applicable rules and regulations. The continued
3010 eligibility of all parcels and associated acreage remaining in open space classification
3011 accepted under the same application is dependent upon the continued qualification for a
3012 resource category or categories.

3013 e. Points are awarded for each participating owner above one owner and accrue to
3014 all owners of a single application. The withdrawal or removal of all enrolled acreage
3015 associated with an owner results in the loss of two points for each remaining owner;

3016 3. Easement and access – thirty-five points. "Easement and access" means that the
3017 property has at least one qualifying open space resource, unlimited public access or limited
3018 public access due to resource sensitivity, and a conservation easement or historic
3019 preservation easement in perpetuity in a form and with conditions acceptable to the
3020 department. To be eligible, a property must receive credit for an open space category and

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3021 for the conservation easement or historic easement in perpetuity category. The owner must
3022 agree to allow public access to the portion of the property designated for public access in the
3023 easement. An easement required by zoning, subdivision conditions or other land use
3024 regulation is not eligible, unless there is additional easement area beyond that required.

3025 Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

3026 4. Public access - points depend on type and frequency of access allowed. "Public
3027 access " means the general public is allowed access on an ongoing basis for uses such as
3028 recreation, education, or training. Access must be allowed on the portion of the property
3029 that is designated for public access. The landowner may impose reasonable restrictions on
3030 access, such as limiting use to daylight hours, agreed to by the department. No physical
3031 barriers may limit reasonable public access or negatively affect an open space resource. A
3032 property owner shall demonstrate that the property is open to public access and is used by
3033 the public. The historic preservation officer of King County or a certified officer of another
3034 local government jurisdiction in which the property is located must approve the award of
3035 public access points for historic properties. The property owner may be required to furnish
3036 and maintain signage according to county specifications.

3037 a. Unlimited public access - five points. Year-round access by the general public
3038 is allowed without special arrangements with the property owner.

3039 b. Limited public access because of resource sensitivity - five points. Access
3040 may be reasonably limited by the property owner due to the sensitive nature of the resource,
3041 with access provided only to appropriate user groups. The access allowed should generally
3042 be for an educational, scientific or research purpose and may require special arrangements
3043 with the owner.

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3044 c. Seasonally limited public access - three points. Access by the public is allowed
3045 only for part of the year due to due to seasonal conditions, as mutually agreed to by the
3046 landowner and the department.

3047 d. Environmental education access - three points. The landowner enters into an
3048 agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or,
3049 with the agreement of the department, with another community organization that allows
3050 membership by the general public to provide environmental education to its members or the
3051 public at large. The department must agree that the enrolled portion of the property has
3052 value for environmental education purposes.

3053 e. None or members-only - zero points. No public access is allowed or the access
3054 is allowed only by members of the organization using or owning the land; and

3055 5. Resource restoration – five points. "Resource restoration" means restoration of
3056 an enrolling area of property benefiting an area in an open space resource category.
3057 Emphasis is placed on the restoration of native vegetation associated with anadromous fish
3058 rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and wetland
3059 habitats. The owner shall provide and implement a restoration plan approved by the
3060 department. The plan may be developed in cooperation with a natural resource expert or
3061 agency. The approved restoration plan must, at a minimum, include a purpose statement, a
3062 description of restoration work to be done, a detailed site map of the area to be restored, a
3063 specific timeline for the restoration activities to be completed and a monitoring schedule for
3064 the restoration project's first five years. Historic resource restoration must be approved by
3065 the King County historic preservation officer or officer of another certified local government
3066 in the jurisdiction in which the property is located and must be accompanied by a long-term

3067 maintenance plan. The owner shall also provide to the department a yearly monitoring
3068 report for at least five years following enrollment in the public benefit rating system
3069 program. The report must describe the progress and success of the restoration project and
3070 must include photographs to document the success. Land receiving credit for this category
3071 may not receive credit for the ecological enhancement land, forest stewardship land, or rural
3072 stewardship land categories.

3073 SECTION 49. Ordinance 4828, Section 4, as amended, and K.C.C. 20.62.040 are
3074 hereby amended to read as follows:

3075 A. An historic resource may be designated as a King County landmark if it is more
3076 than forty years old or, in the case of a landmark district, contains resources that are more
3077 than forty years old, and possesses integrity of location, design, setting, materials, quality of
3078 work, feeling, or association, or any combination of the foregoing aspects of integrity,
3079 sufficient to convey its historic character, and:

3080 1. Is associated with events that have made a significant contribution to the broad
3081 patterns of national, state, or local history;

3082 2. Is associated with the lives of persons significant in national, state, or local
3083 history;

3084 3. Embodies the distinctive characteristics of a type, period, style, or method of
3085 design or construction, or that represents a significant and distinguishable entity whose
3086 components may lack individual distinction;

3087 4. Has yielded, or may be likely to yield, information important in prehistory or
3088 history; or

3089 5. Is an outstanding work of a designer or builder who has made a substantial
3090 contribution to the art.

3091 B. An historic resource may be designated a community landmark because it is an
3092 easily identifiable visual feature of a neighborhood or the county and contributes to the
3093 distinctive quality or identity of such a neighborhood or county or because of its association
3094 with significant historical events or historic themes, association with important or prominent
3095 persons in the community or county, or recognition by local ~~((citizens))~~ individuals for
3096 substantial contribution to the neighborhood or community. An improvement or site
3097 qualifying for designation solely by virtue of satisfying criteria set out in this section shall be
3098 designated a community landmark and shall not be subject to K.C.C. 20.62.080.

3099 C. Cemeteries, birthplaces, or graves of historical figures, properties owned by
3100 religious institutions or used for religious purposes, structures that have been moved from
3101 their original locations, reconstructed historic buildings, properties primarily
3102 commemorative in nature, and properties that have achieved significance within the past
3103 forty years shall not be considered eligible for designation. However, such ~~((a property))~~
3104 properties shall be eligible for designation if they are~~((:~~

3105 ~~1. A))~~ an integral part of districts that meet the criteria set out in subsection A. of
3106 this section or if ~~((it is))~~ they are:

3107 ~~((2. A))~~ 1. ~~((#))~~ Religious ~~((property))~~ properties deriving primary significance
3108 from architectural or artistic distinction or historical importance;

3109 ~~((3. A))~~ 2. ~~((b))~~ Buildings or structures removed from ~~((its))~~ their original locations
3110 but that ~~((is))~~ are significant primarily for ~~((its))~~ their architectural value, or ~~((which is))~~ that
3111 are the surviving structure most importantly associated with ~~((a))~~ historic persons or events;

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3112 ~~((4.-A))~~ 3. ((b))Birthplaces, graves, or residences of ((a)) historical figures of
 3113 outstanding importance if there ~~((is))~~ are no other appropriate sites or buildings directly
 3114 associated with the historical ~~((figure's))~~ figures' productive ~~((life))~~ lives;

3115 ~~((5.-A cemetery))~~ 4. Cemeteries that derive((s-its)) their primary significances
 3116 from graves of persons of transcendent importance, from age, from distinctive design
 3117 features, or from association with historic events;

3118 ~~((6.-A))~~ 5. ((#))Reconstructed buildings when accurately executed in a suitable
 3119 environment and presented in a dignified manner or as part of ~~((a))~~ restoration master plans,
 3120 and when no other buildings or structures with the same association ~~((has))~~ have survived;

3121 ~~((7.-A property))~~ 6. Properties commemorative in intent if design, age, tradition,
 3122 or symbolic value ~~((has))~~ have invested ~~((it))~~ them with ~~((its))~~ their own historical
 3123 significance; or

3124 ~~((8.-A property))~~ 7. Properties achieving significance within the past forty years if
 3125 ~~((it is))~~ they are of exceptional importance.

3126 SECTION 50. Ordinance 10870, Section 17, as amended, and K.C.C. 21A.02.070
 3127 are hereby amended to read as follows:

3128 A. All references to the Standard Industrial Classification (SIC) are to the titles and
 3129 descriptions found in the Standard Industrial Classification Manual, 1987 edition, prepared
 3130 by United States Office of Management and Budget, which is hereby adopted by reference.

3131 The ~~((SIC))~~ is used, with modifications to suit the purposes of this title, to list and
 3132 define land uses authorized to be located in the various zones consistent with the
 3133 ~~((e))~~ Comprehensive ~~((p))~~ Plan land use map.

3134 B. The SIC categorizes each land use under a general two-digit major group
 3135 number, or under a more specific three- or four-digit industry group or industry number. A
 3136 use shown on a land use table with a two-digit number includes all uses listed in the SIC for
 3137 that major group. A use shown with a three-digit or four-digit number includes only the
 3138 uses listed in the SIC for that industry group or industry.

3139 C. An asterisk ~~((f))~~, shown as "**((f))" in the SIC number column of a land use table
 3140 means that the SIC definition for the specific land use identified has been modified by this
 3141 title. The definition may include one or more SIC subclassification numbers, or may define
 3142 the use without reference to the SIC.

3143 D. The ~~((D))~~ director shall determine whether a proposed land use not specifically
 3144 listed in a land use table or specifically included within an SIC ~~((classification))~~ code is
 3145 allowed in a zone. The director's determination shall be based on whether ~~((or not))~~
 3146 permitting the proposed use in a particular zone is consistent with the purposes of this title
 3147 and the zone's purpose ~~((as set forth))~~ established in K.C.C. chapter 21A.04, by considering
 3148 the following factors:

3149 1. The physical characteristics of the use and its supporting structures, including
 3150 but not limited to scale, traffic, and other impacts, and hours of operation;

3151 2. Whether ~~((or not))~~ the use complements or is compatible with other uses
 3152 permitted in the zone; and

3153 3. The SIC ~~((classification))~~ code, if any, assigned to the business or other entity
 3154 that will carry on the primary activities of the proposed use.

3155 E. If a proposed land use subject to subsection D. of this section is an essential
 3156 public facility under the Washington state Growth Management Act, it shall be evaluated

3157 using the special use permit process and consistent with the Washington state Growth
3158 Management Act, the King County Countywide Planning Policies, and the King County
3159 Comprehensive Plan.

3160 SECTION 51. Ordinance 10870, Section 27, as amended, and K.C.C. 21A.04.060
3161 are hereby amended to read as follows:

3162 A. The purpose of the rural zone (RA) is to provide for an area-wide long-term rural
3163 character and to minimize land use conflicts with nearby agricultural or forest production
3164 districts or mineral extraction sites. These purposes are accomplished by:

3165 1. Limiting residential densities and permitted uses to those that are compatible
3166 with rural character and nearby resource production districts and sites and are able to be
3167 adequately supported by rural service levels;

3168 2. Allowing small scale farming and forestry activities and tourism and recreation
3169 uses that can be supported by rural service levels and that are compatible with rural
3170 character;

3171 3. Increasing required setbacks to minimize conflicts with adjacent agriculture,
3172 forest, or mineral zones; and

3173 4. Requiring tracts created through cluster development to be designated as
3174 permanent open space or as permanent resource use.

3175 B. Use of this zone is appropriate in rural areas designated by the Comprehensive
3176 Plan as follows:

3177 1. RA-2.5 in rural areas where the predominant lot pattern is below five acres in
3178 size for lots established (~~(prior to)~~) before the adoption of the 1994 Comprehensive Plan;

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- 3179 2. RA-5 in rural areas where ~~((the predominant lot pattern is five acres or greater~~
3180 ~~but less than ten acres in size and the area is generally environmentally unconstrained))~~;
- 3181 a. The lands are more than a quarter mile from designated natural resource lands;
- 3182 b. The lands are physically suitable for development with minimal:
3183 environmentally sensitive features as defined by county, state, or federal law; regionally
3184 significant resource areas; or critical habitat as determined by legislatively approved
3185 Watershed Resource Inventory Area plans; and
- 3186 c. this residential density would not harm or diminish the surrounding area,
3187 burden infrastructure, increase development pressure, and be inconsistent with the
3188 development patterns promoted by the Comprehensive Plan;
- 3189 3. RA-10 in rural areas ~~((where the predominant lot pattern is ten acres or greater~~
3190 ~~but less than twenty acres in size. RA 10 is also applied on land that is generally~~
3191 ~~environmentally constrained, as defined by county, state, or federal law, to protect critical~~
3192 ~~habitat and regionally significant resource areas (RSRAs). The RA 10 zone is also applied~~
3193 ~~to lands within one quarter mile of a forest or agricultural production district or an approved~~
3194 ~~long term mineral extraction site.))~~;
- 3195 a.(1) The lands are adjacent to or within one quarter mile of designated natural
3196 resource lands;
- 3197 (2) The lands contain significant environmentally constrained areas as defined
3198 by county, state, or federal law, or regionally significant resource areas or substantial critical
3199 habitat as determined by legislatively approved Watershed Resource Inventory Area Plans;
3200 or

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3201 (3) A residential density of one home per five acres would harm or diminish the
 3202 surrounding area, burden infrastructure, increase development pressure, or be inconsistent
 3203 with the development patterns promoted by the Comprehensive Plan; and

3204 b. On Vashon-Maury Island, RA-10 zoning shall be maintained on areas zoned
 3205 RA-10 as of 1994 and on areas with a predominant lot size of ten acres or greater that are
 3206 identified on the Areas Highly Susceptible to Groundwater Contamination map; and

3207 4. RA-20 in Rural Forest Focus Districts designated by the King County
 3208 Comprehensive Plan. This level of density should be considered when a larger parcel with a
 3209 natural resource land designation is redesignated to Rural Area.

3210 SECTION 52. Ordinance 10870, Section 28, as amended, and K.C.C. 21A.04.070
 3211 are hereby amended to read as follows:

3212 A. The purposes of the urban reserve zone (UR) are to: phase growth and
 3213 demand for urban services, and to reserve large tracts of land for possible future growth
 3214 in portions of King County designated by the Comprehensive Plan for future urban
 3215 growth while allowing reasonable interim uses of property; or to reflect designation by
 3216 the Comprehensive Plan of a property or area as part of the urban growth area when a
 3217 detailed plan for urban uses and densities has not been completed. These purposes are
 3218 accomplished by:

3219 1. Allowing for rural, agricultural, and other low-density uses;
 3220 2. Allowing for limited residential growth, either contiguous to existing urban
 3221 public facilities((;)) or at a density supportable by existing rural public service levels; and

3222 3. Requiring clustered residential developments where feasible, to prevent
 3223 establishment of uses and lot patterns (~~((which))~~) that may foreclose future alternatives and
 3224 impede efficient later development at urban densities.

3225 B. Use of this zone is appropriate in urban areas, rural towns or in (~~((rural city~~
 3226 ~~expansion areas))~~) the Urban Growth Area for Cities in the Rural Area designated by the
 3227 Comprehensive Plan, when such areas do not have adequate public facilities and services
 3228 or are not yet needed to accommodate planned growth, or do not yet have detailed land
 3229 use plans for urban uses and densities (~~((, or are designated as sites for a potential urban~~
 3230 ~~planned development or new fully contained communities))~~).

3231 SECTION 53. Ordinance 10870, Section 29, as amended, and K.C.C. 21A.04.080
 3232 are hereby amended to read as follows:

3233 A. The purpose of the urban residential zone (R) is to implement
 3234 ~~((e))~~Comprehensive ~~((p))~~Plan goals and policies for housing quality, diversity and
 3235 affordability, and to efficiently use urban residential land, public services, and ~~((energy))~~
 3236 utilities. These purposes are accomplished by:

3237 1. Providing, in the R-1 zone, predominantly single detached dwelling units at a
 3238 relatively low density;

3239 2. Providing, in the R-4 through R-8 zones, for a mix of (~~((predominantly))~~) single
 3240 detached dwelling units, duplexes, triplexes, fourplexes, and other development types, with
 3241 a variety of densities and sizes in locations appropriate for urban densities;

3242 ~~((2-))~~ 3. Providing, in the R-12 through R-48 zones, for a mix of predominantly
 3243 apartment and townhouse dwelling units, mixed-use, and other development types, with a
 3244 variety of densities and sizes in locations appropriate for urban densities;

3245 ~~((3-))~~ 4. Allowing only those accessory and complementary nonresidential uses
 3246 that are compatible with urban residential communities; and

3247 ~~((4-))~~ 5. Establishing density designations to facilitate advanced area-wide
 3248 planning for public facilities and services, and to protect environmentally sensitive sites
 3249 from over development.

3250 B. Use of this zone is appropriate in urban areas, activity centers, or Rural Towns
 3251 designated by the Comprehensive Plan as follows:

3252 1. The R-1 zone:

3253 a. on or adjacent to lands with area-wide environmental constraints where
 3254 development is required to cluster away from sensitive areas~~((7))~~;

3255 b. on lands designated as urban separators ~~((or))~~, wildlife habitat network ~~((where~~
 3256 ~~development is required to cluster away from the axis of the corridor on))~~, critical aquifer
 3257 recharge areas~~((and on))~~, or Regionally and Locally Significant Resource Areas
 3258 (RSRAs/LSRAs); or

3259 c. in well-established subdivisions of the same density~~((, which))~~ that are served
 3260 at the time of development by public or private facilities and services adequate to support
 3261 planned densities;

3262 2. The R-4 through R-8 zones on urban lands that are predominantly
 3263 environmentally unconstrained and are served at the time of development, by adequate
 3264 public sewers, water supply, roads, and other needed public facilities and services; and

3265 3. The R-12 through R-48 zones on lands in and next to Unincorporated Activity
 3266 Centers, in Community or Neighborhood Business Centers, in mixed-use development, on
 3267 small, scattered lots integrated into existing residential areas, or in Rural Towns, that are

3268 served at the time of development by adequate public sewers, water supply, roads, and other
 3269 needed public facilities and services.

3270 SECTION 54. Ordinance 10870, Section 30, as amended, and K.C.C. 21A.04.090
 3271 are hereby amended to read as follows:

3272 A. The purpose of the neighborhood business zone (NB) is to provide convenient
 3273 daily retail and personal services for a limited service area and to minimize impacts of
 3274 commercial activities on nearby properties and in urban areas on properties with the land
 3275 use designation of commercial outside of center, to provide for limited residential
 3276 development. These purposes are accomplished by:

3277 1. Limiting nonresidential uses to those retail or personal services (~~(which)~~) that
 3278 can serve the everyday needs of a surrounding urban or rural residential area;

3279 2. Allowing for (~~(mixed-use (housing and retail/service))~~) mixed-use
 3280 developments (~~(and)~~) in urban areas and rural towns;

3281 3. Allowing for townhouse developments as a sole use on properties in the
 3282 urban area with the land use designation of commercial outside of center; and

3283 (~~(3-)~~) 4. Excluding industrial and community/regional business-scaled uses.

3284 B. Use of this zone is appropriate in (~~(urban)~~) unincorporated activity centers,
 3285 community business centers, neighborhood business centers, commercial outside of
 3286 centers, rural towns, or rural neighborhood commercial centers designated by the
 3287 (~~(e)~~)Comprehensive (~~(p)~~)Plan, on sites (~~(which)~~) that are served at the time of
 3288 development by adequate public sewers when located in urban areas or adequate on-site
 3289 sewage disposal when located in rural areas, water supply, roads, and other needed public
 3290 facilities and services.

3291 SECTION 55. Ordinance 10870, Section 31, as amended, and K.C.C. 21A.04.100
3292 are hereby amended to read as follows:

3293 A. The purpose of the community business zone (CB) is to provide convenience
3294 and comparison retail and personal services for local service areas (~~((which))~~) that exceed
3295 the daily convenience needs of adjacent neighborhoods but (~~((which))~~) that cannot be
3296 served conveniently by larger activity centers, and to provide retail and personal services
3297 in locations within activity centers that are not appropriate for extensive outdoor storage
3298 or auto related and industrial uses. These purposes are accomplished by:

3299 1. Providing for limited small-scale offices as well as a wider range of the retail,
3300 professional, governmental, and personal services than are found in neighborhood
3301 business areas;

3302 2. Allowing for (~~((mixed-use (housing and retail/service)))~~) mixed-use
3303 developments in urban areas and rural towns; and

3304 3. Excluding commercial uses with extensive outdoor storage or auto related
3305 and industrial uses.

3306 B. Use of this zone is appropriate in (~~((urban and))~~) unincorporated activity
3307 centers, community business centers, commercial outside of centers, or rural towns that
3308 are designated by the Comprehensive Plan (~~((and community plans))~~) and that are served at
3309 the time of development by adequate public sewers, water supply, roads, and other
3310 needed public facilities and services.

3311 SECTION 56. Ordinance 10870, Section 32, as amended, and K.C.C. 21A.04.110
3312 are hereby amended to read as follows:

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3313 A. The purpose of the regional business zone (RB) is to provide for the broadest
 3314 mix of comparison retail, wholesale, service, and ~~((recreation/))~~ recreational and cultural
 3315 uses with compatible storage and fabrication uses, serving regional market areas and
 3316 offering significant employment opportunities. These purposes are accomplished by:

3317 1. Encouraging compact development that is supportive of transit and pedestrian
 3318 travel, through higher nonresidential building heights and floor area ratios than those
 3319 found in community centers;

3320 2. Allowing for outdoor sales and storage, regional shopping areas, and limited
 3321 fabrication uses; ~~((and))~~

3322 3. Concentrating large-scale commercial and office uses to facilitate the
 3323 efficient provision of public facilities and services; and

3324 4. Allowing for mixed use developments in urban areas.

3325 B. Use of this zone is appropriate in ~~((urban activity centers or rural towns))~~
 3326 commercial outside of centers that are designated by the Comprehensive Plan ~~((and~~
 3327 ~~community plans))~~ that are served at the time of development by adequate public sewers,
 3328 water supply, roads, and other needed public facilities and services.

3329 SECTION 57. Ordinance 10870, Section 33, and K.C.C. 21A.04.120 are hereby
 3330 amended to read as follows:

3331 A. The purpose of the office zone (O) is to provide for pedestrian and transit-
 3332 oriented high-density employment uses together with limited complementary retail and
 3333 urban density residential development in locations within activity centers where the full
 3334 range of commercial activities is not desirable. These purposes are accomplished by:

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- 3335 1. Allowing for uses that will take advantage of pedestrian-oriented site and
 3336 street improvement standards;
- 3337 2. Providing for higher building heights and floor area ratios than those found in
 3338 community centers;
- 3339 3. Reducing the ratio of required parking to building floor area;
- 3340 4. Allowing for on-site convenient daily retail and personal services for
 3341 employees and residences; ~~((and))~~
- 3342 5. Excluding ~~((auto))~~ automobile-oriented, outdoor, or other retail sales and
 3343 services ~~((which))~~ that do not provide for the daily convenience needs of on-site and
 3344 nearby employees or residents; and
- 3345 6. Allowing for mixed use developments in urban areas and rural towns.
- 3346 B. Use of this zone is appropriate in unincorporated activity centers, community
 3347 business centers, neighborhood business centers, commercial outside of centers, or rural
 3348 towns designated by the Comprehensive Plan ~~((and community plans which))~~ that are
 3349 served at the time of development by adequate public sewers, water supply, roads, and
 3350 other needed public facilities and services.
- 3351 SECTION 58. Ordinance 10870, Section 48, as amended, and K.C.C. 21A.06.040
 3352 are hereby amended to read as follows:
- 3353 Agricultural product sales: the retail sale of items resulting from the practice of
 3354 agriculture, including primary horticulture products such as fruits, vegetables, grains, seed,
 3355 feed, and plants, primary animal products such as eggs, milk, and meat, or secondary and
 3356 value-added products resulting from processing, sorting, or packaging of primary
 3357 agricultural products such as jams, cheeses, dried herbs, or similar items. Agricultural

3358 product sales do not include (~~marijuana~~) cannabis, usable (~~marijuana~~) cannabis, or
3359 (~~marijuana~~) cannabis-infused products.

3360 NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter
3361 21A.06 a new section to read as follows:

3362 At imminent risk of becoming homeless: a household who will lose their primary
3363 nighttime residence as follows:

3364 A. The residence will be lost within fourteen days of the date of application for
3365 homeless assistance;

3366 B. No subsequent residence has been identified; and

3367 C. The household lacks the resources or support networks needed to obtain other
3368 permanent housing, such as family, friends, or faith-based or other social networks.

3369 NEW SECTION. SECTION 60. There is hereby added to K.C.C. chapter
3370 21A.06 a new section to read as follows:

3371 At risk of chronic homelessness: a household that:

3372 A. Includes an adult with a developmental, physical, or behavioral health disability;

3373 B. Is currently experiencing homelessness for at least ten months in the previous
3374 three years, or has experienced homelessness for a cumulative total of twelve months within
3375 the previous five years; and

3376 C. Includes an adult that has been incarcerated within the previous five years in a
3377 jail or prison, that has been detained or involuntarily committed under chapter 71.05 RCW,
3378 or identifies as a member of a population that is demographically overrepresented among
3379 persons experiencing homelessness in King County.

3380 SECTION 61. K.C.C. 21A.06.7341, as amended by this ordinance, is hereby
3381 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.162.

3382 SECTION 62. Ordinance 17710, Section 2, and K.C.C. 21A.06.7341 are hereby
3383 amended to read as follows:

3384 ~~((Marijuana))~~ Cannabis: all parts of the plant cannabis, whether growing or not,
3385 with a percentage concentration of delta-9 tetrahydrocannabinol content per dry weight of
3386 any part of the plant cannabis, or per volume or weight of ~~((marijuana))~~ cannabis product
3387 greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any
3388 part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation
3389 of the plant, its seeds or resin. ~~((Marijuana))~~ Cannabis does not include the mature stalks of
3390 the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any
3391 other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks
3392 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant
3393 ~~((which))~~ that is incapable of germination.

3394 SECTION 63. K.C.C. 21A.06.7342, as amended by this ordinance, is hereby
3395 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.7341, as
3396 recodified by this ordinance.

3397 SECTION 64. Ordinance 17710, Section 3, and K.C.C. 21A.06.3742 are hereby
3398 amended to read as follows:

3399 ~~((Marijuana))~~ Cannabis greenhouse: a structure with a glass or rigid plastic roof and
3400 glass or rigid plastic walls designed and used to create an artificial climate for the growing
3401 of ~~((marijuana))~~ cannabis as licensed by the Washington state Liquor ~~((Control))~~ and
3402 Cannabis Board for the ~~((marijuana))~~ cannabis production that is of sufficient strength and

3403 stability to comply with the structural design load requirements of the building code and that
 3404 is not used as a place for human habitation or by the general public.

3405 SECTION 65. K.C.C. 21A.06.7344, as amended by this ordinance, is hereby
 3406 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.7342, as
 3407 recodified by this ordinance.

3408 SECTION 66. Ordinance 17710, Section 4, as amended, and K.C.C. 21A.06.7344
 3409 are hereby amended to read as follows:

3410 ((~~Marijuana~~)) Cannabis processor: a facility licensed by the Washington state
 3411 Liquor and Cannabis Board to process ((~~marijuana~~)) cannabis into useable ((~~marijuana~~))
 3412 cannabis and ((~~marijuana~~)) cannabis-infused products, package, and label useable
 3413 ((~~marijuana~~)) cannabis and ((~~marijuana~~)) cannabis-infused products for sale in retail outlets,
 3414 and sell useable ((~~marijuana~~)) cannabis and ((~~marijuana~~)) cannabis-infused products at
 3415 wholesale to ((~~marijuana~~)) cannabis retailers. ((~~Marijuana~~)) Cannabis processors are
 3416 classified as follows:

- 3417 A. ((~~Marijuana~~)) Cannabis processor I -- processing that is limited to:
- 3418 1. Drying, curing and trimming; and
 - 3419 2. Packaging.
- 3420 B. ((~~Marijuana~~)) Cannabis processor II -- all elements of processing including:
- 3421 1. All ((~~marijuana~~)) Cannabis processor I activities;
 - 3422 2. Extracting concentrates and infusing products;
 - 3423 3. Mechanical and chemical processing; and
 - 3424 4. Packaging.

3425 SECTION 67. K.C.C. 21A.06.7346, as amended by this ordinance, is hereby
3426 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.7344, as
3427 recodified by this ordinance.

3428 SECTION 68. Ordinance 17710, Section 5, as amended, and K.C.C. 21A.06.7346
3429 are hereby amended to read as follows:

3430 ~~((Marijuana))~~ Cannabis producer: a facility licensed by the Washington state Liquor
3431 and Cannabis Board for the production and sale at wholesale of ~~((marijuana))~~ cannabis to
3432 ~~((marijuana))~~ cannabis processors and other marijuana producers.

3433 SECTION 69. K.C.C. 21A.06.7348, as amended by this ordinance, is hereby
3434 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.7346, as
3435 recodified by this ordinance.

3436 SECTION 70. Ordinance 17710, Section 6, as amended, and K.C.C. 21A.06.7348
3437 hereby amended to read as follows:

3438 ~~((Marijuana))~~ Cannabis retailer: a facility licensed by the Washington state Liquor
3439 and Cannabis Board where useable ~~((marijuana))~~ cannabis and ~~((marijuana))~~ cannabis-
3440 infused products may be sold at retail.

3441 SECTION 71. Ordinance 15606, Section 5, and K.C.C. 21A.06.196 are hereby
3442 amended to read as follows:

3443 Clustering: development of a subdivision at the existing zoned density that reduces
3444 the size of individual lots and creates natural open space for the preservation of critical
3445 areas~~((, parks and permanent open space or as a reserve for future development))~~ or resource
3446 land for forestry or agriculture.

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3447 SECTION 72. Ordinance 10870, Section 92, as amended, and K.C.C. 21A.06.260
 3448 are hereby amended to read as follows:

3449 Critical facility: a facility necessary to protect the public health, safety, and welfare
 3450 including, but not limited to, a facility defined under the occupancy categories of "essential
 3451 facilities," "hazardous facilities," and "special occupancy structures" in the structural
 3452 ~~((forces))~~ design chapter ~~((or succeeding chapter))~~ in K.C.C. Title 16. Critical facilities also
 3453 include nursing and personal care facilities, schools, senior ~~((citizen))~~ assisted housing,
 3454 public roadway bridges, and sites that produce, use, or store hazardous substances or
 3455 hazardous waste, not including the temporary storage of consumer products containing
 3456 hazardous substances or hazardous waste intended for household use or for retail sale on the
 3457 site.

3458 SECTION 73. Ordinance 10870, Section 98, and K.C.C. 21A.06.290 are hereby
 3459 amended to read as follows:

3460 Destination resort: an establishment for resource-based recreation and intended to
 3461 utilize and provide access to outdoor recreational opportunities, including ~~((related))~~
 3462 accessory services, such as ~~((food))~~ retail, eating and drinking places, ~~((overnight))~~
 3463 temporary lodging, recreation equipment rentals, entertainment, and ~~((other conveniences~~
 3464 ~~for guests of the resort))~~ personal services.

3465 SECTION 74. Ordinance 10870, Section 101, as amended, and K.C.C. 21A.06.305
 3466 are hereby amended to read as follows:

3467 Development agreement:((

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3468 A. ~~A recorded agreement between a UPD applicant and King County which~~
3469 ~~incorporates the site plans, development standards, and other features of an Urban Plan~~
3470 ~~Development as described in K.C.C. chapter 21A.39; or~~

3471 B.)) An agreement authorized under RCW 36.70B.170 through 36.70B.210.

3472 SECTION 75. Ordinance 15051, Section 31, and K.C.C. 21A.06.333 are hereby
3473 amended to read as follows:

3474 Drainage subbasin: ~~((a drainage area identified as a drainage subbasin in a county-~~
3475 ~~approved basin plan or, if not identified,))~~ a drainage area that drains to a body of water that
3476 is named and mapped and contained within a drainage basin.

3477 SECTION 76. Ordinance 10870, Section 5, and K.C.C. 21A.06.355 are hereby
3478 amended to read as follows:

3479 Dwelling unit, apartment: a dwelling unit contained in a building consisting of
3480 ~~((two))~~ five or more dwelling units which may be stacked, or one or more dwellings with
3481 nonresidential uses.

3482 NEW SECTION. SECTION 77. There is hereby added to K.C.C. chapter
3483 21A.06 a new section to read as follows:

3484 Dwelling unit, duplex: a dwelling unit contained in a building that is located on one
3485 legal lot or parcel, containing two dwelling units designed exclusively for occupancy by two
3486 individuals or families living independently of each other. The two units share a common
3487 roof, wall, or floor, although floorplans may vary. Individual units may be side-by-side or
3488 stacked one on top of the other. The two dwelling units and the lot are under a single
3489 ownership or may be owned through a condominium. A single-family dwelling containing
3490 an approved accessory dwelling unit is not considered a duplex.

3491 NEW SECTION. SECTION 78. There is hereby added to K.C.C. chapter
 3492 21A.06 a new section to read as follows:

3493 Dwelling unit, fourplex: a dwelling unit contained in a building that is located on
 3494 one legal lot or parcel, containing four dwelling units designed exclusively for occupancy by
 3495 four individuals or families living independently of each other. The four units share a
 3496 common roof, wall, or floor, although floorplans may vary. Individual units may be side-
 3497 by-side or stacked one on top of the other. The two dwelling units and the lot are under a
 3498 single ownership or may be owned through a condominium.

3499 SECTION 79. Ordinance 10870, Section 114, and K.C.C. 21A.06.370 are hereby
 3500 amended to read as follows:

3501 Dwelling unit, townhouse: a dwelling unit contained in a building containing
 3502 ~~((one))~~ five or more dwelling units that ~~((occupies))~~ occupy space from the ground to the
 3503 roof~~((, and))~~ that is attached to one or more other townhouse dwellings by common walls.

3504 NEW SECTION. SECTION 80. There is hereby added to K.C.C. chapter
 3505 21A.06 a new section to read as follows:

3506 Dwelling unit, triplex: a dwelling unit contained in a building that is located on one
 3507 legal lot or parcel, containing three dwelling units designed exclusively for occupancy by
 3508 three individuals or families living independently of each other. The three units share a
 3509 common roof, wall, or floor, although floorplans may vary. Individual units may be side-
 3510 by-side or stacked one on top of the other. The three dwelling units and the lot are under a
 3511 single ownership or may be owned through a condominium.

3512 NEW SECTION. SECTION 81. There is hereby added to K.C.C. chapter
 3513 21A.06 a new section to read as follows:

3514 Emergency housing: permanent facilities providing temporary indoor
3515 accommodations for individuals or families who are homeless or at imminent risk of
3516 becoming homeless that is intended to address the basic health, food, clothing, and personal
3517 hygiene needs of individuals or families. Emergency housing includes:

3518 A. Emergency supportive housing;

3519 B. Emergency shelters;

3520 C. Interim housing;

3521 D. Microshelter villages;

3522 E. Recuperative housing; and

3523 F. Safe parking.

3524 NEW SECTION. SECTION 82. There is hereby added to K.C.C. chapter
3525 21A.06 a new section to read as follows:

3526 Emergency shelter: a permanent facility that operates more than one hundred and
3527 eighty days in a calendar year and provides a temporary shelter for individuals or families
3528 who are currently homeless. Emergency shelters may include day and warming centers
3529 that do not provide overnight accommodations.

3530 NEW SECTION. SECTION 83. There is hereby added to K.C.C. chapter
3531 21A.06 a new section to read as follows:

3532 Emergency supportive housing: housing where persons experiencing chronic
3533 homelessness or persons at risk of chronic homelessness can reside temporarily while
3534 seeking permanent housing, and that offers housing-oriented services, case management,
3535 and other necessary services and supports to assist households in stabilizing.

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3536 NEW SECTION. SECTION 84. There is hereby added to K.C.C. chapter
3537 21A.06 a new section to read as follows:

3538 Experiencing chronic homelessness: a household that includes an adult with a
3539 disability, that is currently experiencing homelessness for at least twelve consecutive months
3540 or has experienced multiple episodes homelessness for a cumulative twelve months within
3541 the previous three years.

3542 SECTION 85. Ordinance 17191, Section 22, as amended, and K.C.C. 21A.06.450
3543 are hereby amended to read as follows:

3544 Family: an individual(~~(;))~~ or two or more persons (~~((related by blood, marriage or~~
3545 ~~state registered domestic partnership under chapter 26.60 RCW; a group of two or more~~
3546 ~~disabled residents protected under the Federal Housing Act Amendments, who are not~~
3547 ~~related by blood, marriage or state registered domestic partnership under chapter 26.60~~
3548 ~~RCW,))~~ living together as a single housekeeping unit(~~(; a group of eight or fewer residents,~~
3549 ~~who are not related by blood, marriage or state registered domestic partnership under~~
3550 ~~chapter 26.60 RCW, living together as a single housekeeping unit; or a group living~~
3551 ~~arrangement where eight or fewer residents receive supportive services such as counseling,~~
3552 ~~foster care, or medical supervision at the dwelling unit by resident or non-resident staff. For~~
3553 ~~purposes of this definition, minors living with parent shall not be counted as part of the~~
3554 ~~maximum number of residents.))~~, except that:

3555 A. Occupant limits on group living arrangements regulated under state law or on
3556 short term rentals still apply; and

3557 B. Any restrictions on occupant load of a structure as calculated by the county in
3558 accordance with the applicable building code still apply.

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3559 SECTION 86. Ordinance 10870, Section 148, and K.C.C. 21A.06.540 are hereby
3560 amended to read as follows:

3561 General business service: an establishment engaged in providing services to
3562 businesses or individuals, with no outdoor storage or fabrication, including only uses
3563 located in SIC Major Group Nos.:

3564 A. 60-Depository Institutions;

3565 B. 61-Nondepository Credit Institutions;

3566 C. 62-Security and Commodity Brokers, Dealers, Exchanges, and Services;

3567 D. 63-Insurance Carriers;

3568 E. 65-Real Estate, except 653 (Real Estate Agents and Directors);

3569 F. 67-Holding and Other Investment Offices;

3570 G. 7299 Miscellaneous Personal Services, not elsewhere classified;

3571 H. 73-Business Services, except Industry Group and Industry Nos.:

3572 I. 7312-Outdoor Advertising Services; and

3573 J. 86-Membership Organizations, including administrative offices of organized
3574 religions found in 8661, but excluding ~~((churches and places of worship))~~ places where
3575 religious services are conducted.

3576 NEW SECTION. SECTION 87. There is hereby added to K.C.C. chapter
3577 21A.06 a new section to read as follows:

3578 Interim housing: a facility that provides temporary shelter for people who are
3579 unsheltered or waiting to move into permanent housing.

3580 NEW SECTION. SECTION 88. There is hereby added to K.C.C. chapter
3581 21A.06 a new section to read as follows:

3582 Microshelter: a small structure designed to be used for overnight shelter.

3583 NEW SECTION. SECTION 89. There is hereby added to K.C.C. chapter

3584 21A.06 a new section to read as follows:

3585 Microshelter village: emergency housing located on a lot, or lots, containing
3586 multiple microshelters and that provide: cooking facilities or meals; hygiene facilities,
3587 including restrooms and showers; and a shared gathering space.

3588 NEW SECTION. SECTION 90. There is hereby added to K.C.C. chapter

3589 21A.06 a new section to read as follows:

3590 Outdoor resource-based recreation activities: recreational activities that rely upon
3591 their setting in or near natural resource lands for their enjoyment, including but not limited
3592 to hiking, rafting, biking, skiing, horseback riding, fishing, climbing, or similar activities
3593 necessitating an outdoor setting.

3594 NEW SECTION. SECTION 91. There is hereby added to K.C.C. chapter

3595 21A.06 a new section to read as follows:

3596 Permanent supportive housing: subsidized, leased housing with no limit on length
3597 of stay that prioritizes people who need comprehensive support services to retain tenancy
3598 and utilizes admissions practices designed to use lower barriers to entry than would be
3599 typical for other subsidized or unsubsidized rental housing, especially related to rental
3600 history, criminal history, and personal behaviors. Permanent supportive housing is paired
3601 with on-site or off-site voluntary services designed to support a person living with a
3602 complex and disabling behavioral health or physical health condition who was experiencing
3603 homelessness before moving into housing to retain their housing and be a successful tenant
3604 in a housing arrangement, improve the resident's health status, and connect the resident of

3605 the housing with community-based health care, treatment, or employment services.
 3606 Permanent supportive housing is subject to all of the rights and responsibilities defined in
 3607 chapter 59.18 RCW.

3608 NEW SECTION. SECTION 92. There is hereby added to K.C.C. chapter
 3609 21A.06 a new section to read as follows:

3610 Recuperative housing: housing that is designed for persons experiencing
 3611 homelessness who are not acutely sick enough to warrant a hospital stay but have needs
 3612 beyond what can typically be addressed in a traditional housing environment.

3613 SECTION 93. K.C.C. 21A.06.185, as amended by this ordinance, is hereby
 3614 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.980.

3615 SECTION 94. Ordinance 10870, Section 77, and K.C.C. 21A.06.185 hereby
 3616 amended to read as follows:

3617 ~~((Church, synagogue or temple))~~ Religious facility: a place where religious
 3618 services are conducted, including a church, synagogue, temple, or mosque. Religious
 3619 facilities includes those uses located in SIC Industry No. 866 and ~~((including))~~ accessory
 3620 uses in the primary or accessory buildings, such as religious education facilities, reading
 3621 rooms, assembly rooms, and residences for nuns and clergy. ~~((This definition does))~~
 3622 Religious facilities not include facilities for training of religious orders.

3623 SECTION 95. Ordinance 14045, Section 7, and K.C.C. 21A.06.1013 are hereby
 3624 amended to read as follows:

3625 Rural equestrian community trail: an existing trail within the Equestrian
 3626 Community located in the A, F₂ or RA zones that has historically been used by the public for
 3627 riding horses, and that may also have historically been used by or is suitable for use by other

3628 ~~((non-motorized))~~ active transportation, as defined in section 11 of this ordinance, trail
 3629 users.

3630 NEW SECTION. SECTION 96. There is hereby added to K.C.C. chapter
 3631 21A.06 a new section to read as follows:

3632 Safe parking: a site designated for unsheltered people to reside in a recreational
 3633 vehicle or vehicle and that provides access to onsite services and utilities.

3634 SECTION 97. Ordinance 10870, Section 252, as amended, and K.C.C.
 3635 21A.06.1060 are hereby amended to read as follows:

3636 Senior ~~((citizen))~~: a person aged ~~((62))~~ sixty-two or older.

3637 SECTION 98. Ordinance 10870, Section 634 (part), as amended, and K.C.C.
 3638 21A.06.1062 are hereby amended to read as follows:

3639 Senior ~~((citizen))~~ assisted housing: housing in a building consisting of two or
 3640 more dwelling units or sleeping units restricted to occupancy by ~~((at least one senior~~
 3641 ~~citizen per unit))~~ seniors, and may include the following support services, as deemed
 3642 necessary:

- 3643 A. Food preparation and dining areas;
- 3644 B. Group activity areas;
- 3645 C. Medical supervision; and
- 3646 D. Similar activities.

3647 SECTION 99. Ordinance 3688, Section 251, as amended, and K.C.C.
 3648 21A.06.1082C are hereby amended to read as follows:

3649 Shoreline stabilization: a structure ~~((or))~~ ₂ device, ~~((including, but not limited to,~~
 3650 ~~breakwaters, bulkheads, jetties, groins and riprap, that is placed so as to prevent))~~ or

Ordinance

3651 action used to address erosion impacts or to alter ((the)) normal currents, wave actions, or
 3652 other natural forces or actions of a waterbody. Structural shoreline stabilization falls on a
 3653 spectrum of hard structures, such as groins, riprap, bulkheads, sea walls, and revetments,
 3654 to soft approaches such as beach nourishment, drift log placement, revegetation, and
 3655 other bioengineering techniques. Nonstructural shoreline stabilization includes methods
 3656 such as building setbacks, relocation of the structure to be protected, groundwater
 3657 management, and planning and regulatory measures to avoid the need for structural
 3658 stabilization. Shoreline stabilization does not include flood protection facilities.

3659 SECTION 100. Ordinance 10870, Section 295, as amended, and K.C.C.

3660 21A.06.1275 are hereby amended to read as follows:

3661 Temporary use permit: permit to allow a use of limited duration and/or frequency,
 3662 or to allow multiple related events over a specified period. A temporary use permit does not
 3663 permit the construction or establishment of any permanent use, alteration, or structure.

3664 SECTION 101. Ordinance 10870, Section 297, as amended, and K.C.C.

3665 21A.06.1285 are hereby amended to read as follows:

3666 Trails: human-made pathways, including elevated boardwalks, bridges, and stairs,
 3667 designed and intended for ((use by pedestrians, bicyclists, equestrians and other
 3668 ~~nonmotorized recreational users~~)) active transportation, as defined in section 11 of this
 3669 ordinance.

3670 SECTION 102. Ordinance 10870, Section 330, as amended, and K.C.C.

3671 21A.08.030 are hereby amended to read as follows:

3672 A. Residential land uses.

P-Permitted Use	RESOURCE	R	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
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Ordinance

C-Conditional Use S-Special Use					U R A L								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	DWELLING UNITS, TYPES:												
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P((45)) 16				
* _	Duplex				<u>C4</u>	<u>C4</u>	<u>P5</u> <u>P19</u>	<u>P19</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	
* _	Triplex				<u>C4</u>	<u>C4</u>	<u>P5</u> <u>P19</u>	<u>P19</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	
* _	Fourplex				<u>C4</u>	<u>C4</u>	<u>P5</u> <u>P19</u>	<u>P19</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	
*	Townhouse				C4	C4	P11 (C12)	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 (C5)	P	P3	P3	P3	P3	
*	Mobile Home Park				S13		C8	P					
*	Cottage Housing						P15						
* _	Permanent Supportive Housing						<u>C20</u> and <u>21</u>	<u>P21</u>		<u>P21</u>	<u>P21</u>	<u>P21</u>	
	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					

Ordinance

*	Senior ((Citizen)) Assisted Housing					P4	P4	P	P3	P3	P3	P3	
*	<u>Emergency Shelter</u>						C20 and 21 and 22	P21 and 22		P21 and 22	P21 and 22	P21 and 22	
*	<u>Emergency Supportive Housing</u>							P21 and 22		P21 and 22	P21 and 22	P21 and 22	
*	<u>Interim Housing</u>							P21 and 22		P21 and 22	P21 and 22	P21 and 22	
*	<u>Microshelter Villages</u>						C20 and 21 and 22 and 23	P21 and 22 and 23		P21 and 22 and 23	P21 and 22 and 23	P21 and 22 and 23	
*	<u>Recuperative Housing</u>						C20 and 21 and 22	P21 and 22		P21 and 22	P21 and 22	P21 and 22	
*	<u>Safe Parking</u>						C20 and 21 and 22	P21 and 22		P 21 and 22	P 21 and 22	P 21 and 22	
	ACCESSORY USES:												
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18	P18
*	Home Industry	C			C	C	C						

Ordinance

	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		

3673

B. Development conditions.

3674

1. Except bed and breakfast guesthouses.

3675

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

3676

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

3677

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

3678

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

3679

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

3680

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

3681

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

3682

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

3683

area of the lot;

3684

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

3685

production district, that shall be reviewed and approved by the King County department of

3686

natural resources and parks before building permit issuance; and

3687

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

3688

includes fire safety best management practices developed by the department.

3689

3. Only as part of a mixed use development in urban areas and rural towns and

3690

subject to the conditions of K.C.C. chapter 21A.14, except that;

Ordinance

3691 a. in the NB zone on properties with a land use designation of commercial outside
 3692 of center (CO) in the urban areas, stand-alone townhouse developments are permitted
 3693 subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060, and 21A.14.180; and

3694 b. in commercial zones in the Rural Area outside of rural towns and on historic
 3695 properties listed in the National Register of Historic Places or designated as a King County
 3696 Landmark, multifamily residential, or group residence uses are allowed within existing
 3697 buildings.

3698 4. Only in a building listed ~~((on))~~ in the National Register ~~((as an historic site))~~ of
 3699 Historic Places or designated as a King County landmark subject to K.C.C. chapter 21A.32.

3700 5.a. In the R-1 zone, duplex, triplex, fourplex, and apartment units are permitted,
 3701 if:

3702 (1) At least fifty percent of the site is constrained by unbuildable critical areas.
 3703 For purposes of this subsection, unbuildable critical areas includes wetlands, aquatic areas,
 3704 and slopes forty percent or steeper, and associated buffers; and

3705 (2) The density does not exceed a density of eighteen units per acre of net
 3706 buildable area.

3707 b. In the R-4 through R-8 zones, duplex, triplex, fourplex, and apartment units
 3708 and permanent supportive housing are permitted if the density does not exceed a density of
 3709 eighteen units per acre of net buildable area.

3710 ~~((e. If the proposal will exceed base density for the zone in which it is proposed, a~~
 3711 ~~conditional use permit is required.))~~

3712 6. Only as accessory to a school, college, university, or ~~((ehureh))~~ religious
 3713 facility.

Ordinance

3714 7.a. Accessory dwelling units are subject to the following standards:

3715 (1) ~~((Only one accessory dwelling per primary single detached dwelling or~~
 3716 ~~townhouse unit;~~

3717 ~~(2) Only allowed in the same building as the primary dwelling unit, except that~~
 3718 ~~detached accessory dwelling units are allowed when there is no more than one primary~~
 3719 ~~dwelling unit on the lot, and the following conditions are met:~~

3720 ~~(a) the lot must be three thousand two hundred square feet or greater if located~~
 3721 ~~in the urban area or a rural town; or~~

3722 ~~(b) the lot must meet the minimum lot area for the applicable zone if located in~~
 3723 ~~the rural area but not in a rural town, except that if one transferable development right is~~
 3724 ~~purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, a~~
 3725 ~~detached accessory dwelling unit is allowed on a RA-5 zoned lot that is two and one-half~~
 3726 ~~acres or greater;~~

3727 ~~(3))~~ The accessory dwelling unit shall not exceed one thousand square feet of
 3728 heated floor area and one thousand square feet of unheated floor area except:

3729 (a) when the accessory dwelling unit is wholly contained within a basement or
 3730 attic, this limitation does not apply; or

3731 (b) for detached accessory dwelling units, the floor area contained in a
 3732 basement does not count toward the floor area maximum; ~~((or~~

3733 ~~(c) on a site zoned RA if one transferable development right is purchased from~~
 3734 ~~the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the accessory~~
 3735 ~~dwelling unit is permitted a maximum heated floor area of one thousand five hundred square~~
 3736 ~~feet and one thousand five hundred square feet of unheated floor area;~~

Ordinance

3737 ~~(4) Accessory dwelling units that are not wholly contained within an existing~~
3738 ~~dwelling unit shall not exceed the base height established in 21A.12.030;~~

3739 ~~(5) When the primary and accessory dwelling units are located in the same~~
3740 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~
3741 ~~entrance may front a street;~~

3742 ~~(6)) (2) Attached accessory dwelling units shall have at least one common wall~~
3743 ~~with the primary dwelling unit and appear to be contained within one structure. Connection~~
3744 ~~through a breezeway or covered pathway shall not constitute an attached accessory dwelling~~
3745 ~~unit unless the breeze way or covered pathway is:~~

3746 ~~(a) is less than ten feet in length;~~

3747 ~~(b) shares a common wall with both the accessory dwelling unit and primary~~
3748 ~~residence;~~

3749 ~~(c) has a continuous roofline that appears to be one single building;~~

3750 ~~(d) is completely enclosed; and~~

3751 ~~(e) is heated space;~~

3752 ~~(3) No additional off-street parking spaces are required for accessory dwelling~~
3753 ~~units;~~

3754 ~~((7) The primary dwelling unit or the accessory dwelling unit shall be occupied~~
3755 ~~either by the owner of the primary dwelling unit or by an immediate family member of the~~
3756 ~~owner. Immediate family members are limited to spouses, siblings, parents, grandparents,~~
3757 ~~children and grandchildren, either by blood, adoption or marriage, of the owner. The~~
3758 ~~accessory dwelling unit shall be converted to another permitted use or shall be removed if~~
3759 ~~neither dwelling unit is occupied by the owner or an immediate family member;~~

Ordinance

3760 ~~(8))~~ (4) An applicant seeking to build an accessory dwelling unit shall file a
3761 notice approved by the department of executive services, records and licensing services
3762 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
3763 The applicant shall submit proof that the notice was filed before the department approves
3764 any permit for the construction of the accessory dwelling unit. The required contents and
3765 form of the notice shall be ~~((set forth))~~ established in administrative rules;

3766 ~~((9))~~ (5) Accessory dwelling units are not allowed in the F zone;

3767 (6) For lots in the UR, R-1 through R-48, and NB zones in the urban growth
3768 area and that meet the minimum lot area for construction in K.C.C. 21A.12.100:

3769 (a) Two accessory dwelling units are allowed per primary single detached
3770 dwelling unit, duplex, triplex, fourplex, or townhouse unit in the following configurations:

3771 (i) one attached accessory dwelling unit and one detached accessory dwelling
3772 unit;

3773 (ii) two attached accessory dwelling units; or

3774 (iii) two detached accessory dwelling units, which may be either one or two
3775 detached structures;

3776 (b) Accessory dwelling units may be converted from existing structures,
3777 including but limited to garages, even if the existing structure violates requirements for
3778 setbacks or maximum impervious surface percentage; and

3779 (c) No public street improvements are required for accessory dwelling units;

3780 (7) For lots in the rural area or on natural resource lands:

3781 (a) only one accessory dwelling unit per primary single detached dwelling unit;

Ordinance

3782 (b) Only allowed in the same building as the primary dwelling unit, except that
3783 detached accessory dwelling units are allowed when there is no more than one primary
3784 dwelling unit on the lot, and the following conditions are met:

3785 (i) the lot must be three thousand two hundred square feet or greater if located
3786 in a rural town; or

3787 (ii) the lot must meet the minimum lot area for the applicable zone if located
3788 in the rural area but not in a rural town or on natural resource lands;

3789 (c) When the primary and accessory dwelling unit are located in the same
3790 building, or in multiple buildings connected by a breezeway or covered pathway, only one
3791 entrance may front a street;

3792 ~~((40))~~ (d) Accessory dwelling units should be designed to be compatible with
3793 the primary dwelling unit and the surrounding properties, including material, colors, and
3794 building forms; ~~(and)~~

3795 ~~((41))~~ (e) The applicant should consider a siting alternatives study that
3796 analyzes placement options of the accessory dwelling unit on the property to minimize
3797 impacts to privacy and views for surrounding property owners~~(-)~~; and

3798 (f) Accessory dwelling units in structures detached from the primary dwelling
3799 unit shall be counted as a separate dwelling unit for the purpose of lot calculations in place
3800 at the time of a proposed subdivision. If an accessory dwelling unit in a detached building
3801 in the rural zone is subsequently converted to a primary unit on a separate lot, neither the
3802 original lot nor the new lot may have an additional detached accessory dwelling unit
3803 constructed unless the lot is at least twice the minimum lot area required by the zone in
3804 K.C.C. 21A.12.030 or 21A.12.040.

Ordinance

- 3805 b. Accessory living quarters:
- 3806 (1) are limited to one per ~~((lot))~~ primary single detached dwelling unit;
- 3807 (2) are allowed only on lots of three thousand two hundred square feet or greater
- 3808 when located in the urban area or a rural town;
- 3809 (3) shall not exceed the base height as established in K.C.C. 21A.12.030;
- 3810 (4) shall not exceed one thousand square feet of heated floor area and one
- 3811 thousand square feet of unheated floor area; and
- 3812 (5) are not allowed in the F zone.
- 3813 c. One single or twin engine, noncommercial aircraft shall be permitted only on
- 3814 lots that abut, or have a legal access that is not a county ~~((right-of-way))~~ right of way, to a
- 3815 waterbody or landing field, but only if there are:
- 3816 (1) no aircraft sales, service, repair, charter, or rental; and
- 3817 (2) no storage of aviation fuel except that contained in the tank or tanks of the
- 3818 aircraft.
- 3819 d. Buildings for residential accessory uses in the RA and A zone shall not exceed
- 3820 five thousand square feet of gross floor area, except for buildings related to agriculture or
- 3821 forestry.
- 3822 8. Mobile home parks shall not be permitted in the R-1 zones.
- 3823 9. Only as accessory to the permanent residence of the operator, and:
- 3824 a. Serving meals shall be limited to paying guests; and
- 3825 b. The number of persons accommodated per night shall not exceed five, except
- 3826 that a structure that satisfies the standards of the International Building Code as adopted by
- 3827 King County for R-1 occupancies may accommodate up to ten persons per night.

Ordinance

3828 10. Only if part of a mixed use development, and subject to the conditions of
3829 subsection B.9. of this section.

3830 11. ~~((Townhouses are permitted, but shall be subject to a conditional use permit if
3831 exceeding base density.)) Repealed.~~

3832 12. Required before approving more than one dwelling on individual lots, except
3833 on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit
3834 lots, and except as provided for accessory dwelling units in subsection B.7. of this section.

3835 13. No new mobile home parks are allowed in a rural zone.

3836 14.a. Limited to domestic violence shelter facilities.

3837 b. Limited to domestic violence shelter facilities with no more than eighteen
3838 residents or staff.

3839 15. Only in the R4-R8 zones subject to the following standards:

3840 a. Developments shall contain only cottage housing units with no fewer than
3841 three units. If the site contains an existing home that is not being demolished, the existing
3842 house is not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the
3843 floor area and footprint limits in K.C.C. 21A.14.025.B.;

3844 b. Cottage housing developments should consider including a variety of housing
3845 sizes, such as units with a range of bedroom sizes or total floor area; and

3846 c. Before filing an application with the department, the applicant shall hold a
3847 community meeting in accordance with K.C.C. 20.20.035.

3848 16. The development for a detached single-family residence shall be consistent
3849 with the following:

3850 a. The lot must have legally existed before March 1, 2005;

Ordinance

3851 b. The lot has a Comprehensive Plan land use designation of Rural Neighborhood
3852 Commercial Center or Rural Area; and

3853 c. The standards of this title for the RA-5 zone shall apply.

3854 17. Only in the R-1 zone as an accessory to a golf facility and consistent with
3855 K.C.C. 21A.08.040.

3856 18. Allowed if consistent with K.C.C. chapter 21A.30.

3857 19.a. A duplex is allowed on a R-4 through R-8 zoned lot that is four thousand five
3858 hundred square feet or greater, despite base density requirement established in K.C.C.
3859 21A.12.030, if under K.C.C. chapter 21A.37:

3860 (1) When the lot is located in Snoqualmie Pass rural town, one transferable
3861 development right is purchased from the Rural Area or Natural Resource Lands under
3862 K.C.C. chapter 21A.37; or

3863 (2) When the lot is located in the urban area, one half transferable development
3864 right is purchased from the Rural Area or Natural Resource Lands or one transfer of
3865 development right is purchased from the urban area under K.C.C. chapter 21A.37; and

3866 b. Not allowed on a lot that contains an accessory dwelling unit or accessory
3867 living quarter.

3868 20. Allowed if:

3869 a. Not in the R-1 zone; and

3870 b. on the same site as a religious facility, public agency, or part of uses located in
3871 SIC Social Services Group Nos.: 832 Individual and Family Social Services, 836
3872 Residential Care, and 839 Social Services, Not Elsewhere Classified.

3873 21.a. Only in the urban growth area; and

Ordinance

3874 b. Exempt from on-site recreation requirements in K.C.C 21A.14.180 through
 3875 21A.14.190, landscape requirements in K.C.C. chapter 21A.16, bicycle parking
 3876 requirements in K.C.C. 21A.18.030.E, and electric vehicle parking infrastructure
 3877 requirements in K.C.C. 21A.18.140.

3878 22. Allowed if consistent with K.C.C. chapter 21A.XX (the new chapter created
 3879 by section 197 of this ordinance) and K.C.C. chapter 24.XX (the new chapter created by
 3880 section 203 of this ordinance).

3881 23. Must be buffered from adjacent properties with:

3882 a. a minimum ten-foot setback from the boundary of the lot on which the village
 3883 is located, excluding access;

3884 b. vegetation meeting the criteria of a Type II landscaping screen in K.C.C.
 3885 21A.16.040.B; or

3886 c. a six-foot high, view obscuring fence.

3887 SECTION 103. Ordinance 10870, Section 331, as amended, and K.C.C.

3888 21A.08.040 are hereby amended to read as follows:

3889 A. Recreational(~~/~~) and cultural land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M		RA	UR	R1-8	R12 -48	NB	CB	RB	O
SIC #	SPECIFIC LAND USE												
	PARK/RECREATION:												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P

Ordinance

*	Campgrounds		P16 C16 a	P16	P16 C16 a	P16 C16 a							P16 C16 a
*	Destination Resorts		S30		S (48)) 30	((E))					((E))		
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19							
*	Sports Club (17)				C4 and1 8	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreational Camp		C		P24 C								
	AMUSEMENT/ENTERTAINMENT:												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
783	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and 18	P7	P7	P7					
799	Amusement and Recreation Services		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
(14)													
*	Indoor Paintball Range									P26	P26		P26

Ordinance

*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and 18						C10		P10
*	Amusement Arcades									P	P		
799 6	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20	P20			S		
CULTURAL:													
823	Library				P11	P11 C	P11 C	P28	P	P	P	P	
841	Museum	C2 3	C23		P11	P11 C	P11 C	P28	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				P29 C12	P29 C12	P29 C	P29 C	P	P	P	P	

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- B. Development conditions.
1. The following conditions and limitations shall apply, where appropriate:
 - a. No stadiums on sites less than ten acres;
 - b. Lighting for structures and fields shall be directed away from rural area and residential zones;
 - c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining rural area and residential zones, except for fences and mesh backstops;
 - d. Facilities in the A zone shall be limited to trails and trailheads, including related accessory uses such as parking and sanitary facilities; and
 - e. Overnight camping is allowed only in an approved campground.

Ordinance

- 3901 2. Recreational vehicle parks are subject to the following conditions and
3902 limitations:
- 3903 a. The maximum length of stay of any vehicle shall not exceed one hundred
3904 eighty days during a three-hundred-sixty-five-day period;
- 3905 b. The minimum distance between recreational vehicle pads shall be no less than
3906 ten feet; and
- 3907 c. Sewage shall be disposed in a system approved by ~~((the))~~ public health -
3908 Seattle((-) & King County ((health department)).
- 3909 3. Limited to day moorage. The marina shall not create a need for off-site public
3910 services beyond those already available before the date of application.
- 3911 4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities
3912 subject to the following conditions and limitations:
- 3913 a. The bulk and scale shall be compatible with residential or rural character of the
3914 area;
- 3915 b. For sports clubs, the gross floor area shall not exceed ten thousand square feet
3916 unless the building is on the same site or adjacent to a site where a public facility is located
3917 or unless the building is a nonprofit facility located in the urban area; and
- 3918 c. Use is limited to residents of a specified residential development or to sports
3919 clubs providing supervised instructional or athletic programs.
- 3920 5. Limited to day moorage.
- 3921 6.a. Adult entertainment businesses shall be prohibited within three hundred thirty
3922 feet of any property zoned RA, UR₂ or R or containing schools, licensed daycare centers,
3923 public parks or trails, community centers, public libraries₂ or ~~((churches))~~ religious facilities.

Ordinance

3924 In addition, adult entertainment businesses shall not be located closer than three thousand
3925 feet to any other adult entertainment business. These distances shall be measured from the
3926 property line of the parcel or parcels proposed to contain the adult entertainment business to
3927 the property line of the parcels zoned RA, UR₂ or R or that contain the uses identified in this
3928 subsection B.6.a.

3929 b. Adult entertainment businesses shall not be permitted within an area likely to
3930 be annexed to a city subject to an executed interlocal agreement between King County and a
3931 city declaring that the city will provide opportunities for the location of adult businesses to
3932 serve the area. The areas include those identified in the maps attached to Ordinance 13546.

3933 7.a. Clubhouses, maintenance buildings, equipment storage areas₂ and driving
3934 range tees shall be at least fifty feet from rural area and residential zoned property lines.
3935 Lighting for practice greens and driving range ball impact areas shall be directed away from
3936 adjoining rural area and residential zones. Applications shall comply with adopted best
3937 management practices for golf course development. Within the RA zone, those facilities
3938 shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in designated rural
3939 forest focus area, regionally significant resource areas₂ or locally significant resource areas.
3940 Ancillary facilities associated with a golf course are limited to practice putting greens,
3941 maintenance buildings₂ and other structures housing administrative offices or activities that
3942 provide convenience services to players. These convenience services are limited to a pro
3943 shop, food services₂ and dressing facilities and shall occupy a total of no more than ten
3944 thousand square feet. Furthermore, the residential density that is otherwise permitted by the
3945 zone shall not be used on other portions of the site through clustering or on other sites
3946 through the transfer of density provision. This residential density clustering or transfer

3947 limitation shall be reflected in a deed restriction that is recorded at the time applicable
3948 permits for the development of the golf course are issued; and

3949 b. In addition to ancillary facilities, an organizational hotel/lodging house shall be
3950 allowed as an accessory use, subject to the following:

3951 (1) only allowed in the R-1 zone;

3952 (2) only allowed with a privately owned golf facility that legally existed as of
3953 January 1, 2019;

3954 (3) only allowed as an incidental or subordinate use to a principal golf facility
3955 use;

3956 (4) a maximum of twenty-four sleeping units is allowed; and

3957 (5) shall be connected to and served by public sewer.

3958 8. Limited to golf driving ranges, only as:

3959 a. accessory to golf courses; or

3960 b. accessory to a recreation or multiuse park.

3961 9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty
3962 feet from property lines adjoining rural area and residential zones, but existing facilities shall
3963 be exempt.

3964 b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets, or
3965 arrows from leaving the property.

3966 c. Site plans shall include: safety features of the range; provisions for reducing
3967 sound produced on the firing line; elevations of the range showing target area, backdrops, or
3968 butts; and approximate locations of buildings on adjoining properties.

3969 d. Subject to the licensing provisions of K.C.C. Title 6.

Ordinance

3970 10.a. Only in an enclosed building, and subject to the licensing provisions of
3971 K.C.C. Title 6;

3972 b. Indoor ranges shall be designed and operated so as to provide a healthful
3973 environment for users and operators by:

3974 (1) installing ventilation systems that provide sufficient clean air in the user's
3975 breathing zone, and

3976 (2) adopting appropriate procedures and policies that monitor and control
3977 exposure time to airborne lead for individual users.

3978 11. Only as accessory to a park or in a building listed ~~((~~on~~))~~ in the National
3979 Register of Historic Places as an historic site or designated as a King County landmark
3980 subject to K.C.C. chapter 21A.32.

3981 12.a. Only as accessory to a nonresidential use established through a discretionary
3982 permit process, if the scale is limited to ensure compatibility with surrounding
3983 neighborhoods; and

3984 b. In the UR zone, only if the property is located within a designated
3985 unincorporated rural town.

3986 13. Subject to the following:

3987 a. The park shall abut an existing park on one or more sides, intervening roads
3988 notwithstanding;

3989 b. No bleachers or stadiums are permitted if the site is less than ten acres, and no
3990 public amusement devices for hire are permitted;

Ordinance

3991 c. Any lights provided to illuminate any building or recreational area shall be so
3992 arranged as to reflect the light away from any premises upon which a dwelling unit is
3993 located; and

3994 d. All buildings or structures or service yards on the site shall maintain a distance
3995 not less than fifty feet from any property line and from any public street.

3996 14.a. Excluding amusement and recreational uses classified elsewhere in this
3997 chapter.

3998 b. Fireworks display services, also known as public displays of fireworks, are
3999 allowed in all zones, subject to the requirements of K.C.C. chapter 17.11.

4000 15. For amusement and recreation services not otherwise provided for in this
4001 chapter:

4002 a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on
4003 sites at least five acres or larger;

4004 b. Retail sales are limited to incidental sales to patrons of the amusement or
4005 recreation service; and

4006 c. Does not involve the operation of motor vehicles or off-road vehicles,
4007 including, but not limited to, motorcycles and go-carts.

4008 16. Subject to the following conditions:

4009 a. The length of stay per party in campgrounds shall not exceed one hundred
4010 eighty days during a three-hundred-sixty-five-day period; and

4011 b. Only for campgrounds that are part of a proposed or existing county park, that
4012 are subject to review and public meetings through the department of natural resources and
4013 parks.

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- 4014 17. Only for stand-alone sports clubs that are not part of a park.
- 4015 18. Subject to review and approval of conditions to comply with trail corridor
4016 provisions of K.C.C. chapter 21A.14 when located in an RA zone.
- 4017 19. Only as an accessory to a recreation or multiuse park.
- 4018 20. Only as an accessory to a recreation or multiuse park of at least twenty acres
4019 located within the urban growth area or on a site immediately adjacent to the urban growth
4020 area with the floor area of an individual outdoor performance center stage limited to three
4021 thousand square feet.
- 4022 21. Limited to rentals of sports and recreation equipment with a total floor area of
4023 no more than seven hundred fifty square feet and only as accessory to a park, or in the RA
4024 zones, to a recreation or multiuse park.
- 4025 22. Only as accessory to a large active recreation and multiuse park and limited to:
4026 a. water slides, wave pools, and associated water recreation facilities; and
4027 b. rentals of sports and recreation equipment.
- 4028 23. Limited to natural resource and heritage museums and only allowed in a farm
4029 or forestry structure, including, but not limited to, barns or sawmills, existing as of
4030 December 31, 2003.
- 4031 24. Use is permitted without a conditional use permit only when in compliance
4032 with all of the following conditions:
- 4033 a. The use is limited to camps for youths or for persons with special needs due to
4034 a disability, as defined by the American With Disabilities Act of 1990, or due to a medical
4035 condition and including training for leaders for those who use the camp;

4036 b. Active recreational activities shall not involve the use of motorized vehicles
4037 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The
4038 prohibition on motorized vehicles does not apply to such vehicles that may be necessary for
4039 operation and maintenance of the facility or to a client-specific vehicle used as a personal
4040 mobility device;

4041 c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number of
4042 overnight campers, not including camp personnel, in a new camp shall not exceed:

4043 (a) one hundred and fifty for a camp between twenty and forty acres; or

4044 (b) for a camp greater than forty acres, but less than two hundred and fifty
4045 acres, the number of users allowed by the design capacity of a water system and on-site
4046 sewage disposal system approved by ~~((the department of))~~ public health~~((;))~~ - Seattle~~((/))~~ &
4047 King County, up to a maximum of three hundred and fifty; and

4048 (2) Existing camps shall be subject to the following:

4049 (a) For a camp established before August 11, 2005, with a conditional use
4050 permit and that is forty acres or larger, but less than one hundred and sixty acres, the number
4051 of overnight campers, not including camp personnel, may be up to one hundred ~~((and))~~ fifty
4052 campers over the limit established by subsection B.24.c.(1)(b) of this section.

4053 (b) For a camp established before August 11, 2005, with a conditional use
4054 permit and that is one hundred ~~((and))~~ sixty acres or larger, but less than two hundred acres,
4055 the number of overnight campers, not including camp personnel, may be up to three hundred
4056 ~~((and))~~ fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

4057 The camp may terminate operations at its existing site and establish a new camp if the area

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4058 of the camp is greater than two hundred (~~and~~) fifty acres and the number of overnight
4059 campers, not including camp personnel, shall not exceed seven hundred.

4060 d. The length of stay for any individual overnight camper, not including camp
4061 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

4062 e. The camp facilities, such as a medical station, food service hall, and activity
4063 rooms, shall be of a scale to serve overnight camp users;

4064 f. The minimum size of parcel for such use shall be twenty acres;

4065 g. Except for any permanent caretaker residence, all new structures where camp
4066 users will be housed, fed, or assembled shall be no less than fifty feet from properties not
4067 related to the camp;

4068 h. In order to reduce the visual impacts of parking areas, sports and activity fields,
4069 or new structures where campers will be housed, fed, or assembled, the applicant shall
4070 provide a Type 3 landscape buffer no less than twenty feet wide between the nearest
4071 property line and such parking area, field, or structures, by retaining existing vegetation or
4072 augmenting as necessary to achieve the required level of screening;

4073 i. If the site is adjacent to an arterial roadway, access to the site shall be directly
4074 onto (~~said~~) the arterial unless direct access is unsafe due inadequate sight distance or
4075 extreme grade separation between the roadway and the site;

4076 j. If direct access to the site is via local access streets, transportation demand
4077 management measures, such as use of carpools, buses, or vans to bring in campers, shall be
4078 used to minimize traffic impacts;

4079 k. Any lights provided to illuminate any building or recreational area shall be so
4080 arranged as to reflect the light away from any adjacent property; and

4081 1. A community meeting shall be convened by the applicant before submittal of
4082 an application for permits to establish a camp, or to expand the number of camp users on an
4083 existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the
4084 meeting shall be provided at least two weeks in advance to all property owners within five
4085 hundred feet, or at least twenty of the nearest property owners, whichever is greater. The
4086 notice shall at a minimum contain a brief description of the project and the location, as well
4087 as((;)) contact persons and numbers.

4088 25. Limited to theaters primarily for live productions located within a Rural Town
4089 designated by the King County Comprehensive Plan.

4090 26.a. Only in an enclosed building; and

4091 b. A copy of the current liability policy of not less than one million dollars for
4092 bodily injury or death shall be maintained in the department.

4093 27. Minimum standards for outdoor paintball recreation fields:

4094 a. The minimum site area is twenty-five acres;

4095 b. Structure shall be no closer than one hundred feet from any lot line adjacent to a
4096 rural area or residential zoned property;

4097 c. The area where paintballs are discharged shall be located more than three
4098 hundred feet of any lot line and more than five hundred feet from the lot line of any
4099 adjoining rural area or residential zoned property. The department may allow for a lesser
4100 setback if it determines through the conditional use permit review that the lesser setback in
4101 combination with other elements of the site design provides adequate protection to adjoining
4102 properties and rights-of-ways;

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4103 d. A twenty-foot high nylon mesh screen shall be installed around all play areas
4104 and shall be removed at the end of each day when the play area is not being used. The
4105 department may allow for the height of the screen to be lowered to no less than ten feet if it
4106 determines through the conditional use permit review that the lower screen in combination
4107 with other elements of the site design provides adequate protection from discharged
4108 paintballs;

4109 e. All parking and spectator areas, structures, and play areas shall be screened
4110 from adjoining rural area or residential zoned property and public rights of way with Type 1
4111 landscaping at least ten feet wide;

4112 f. Any retail sales conducted on the property shall be accessory and incidental to
4113 the permitted activity and conducted only for the participants of the site;

4114 g. A plan of operations specifying days and hours of operation, number of
4115 participants and employees, types of equipment to be used by users of the site, safety
4116 procedures, type of compressed air fuel to be used on the site, and storage and maintenance
4117 procedures for the compressed air fuel shall be provided for review in conjunction with the
4118 conditional use permit application. All safety procedures shall be reviewed and approved by
4119 department of public safety before submittal of the conditional use permit application. All
4120 activities shall be in compliance with National Paintball League standards;

4121 h. The hours of operation shall be limited to Saturdays and Sundays and statutory
4122 holidays from 8:30 (~~(A.M.)~~) a.m. to 8:30 (~~(P.M.)~~) p.m., and further restricted as applicable
4123 to daylight hours;

4124 i. No more than one hundred paintball players shall be allowed on the site at any
4125 one time;

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- 4126 j. No outdoor lights or amplified sounds shall be permitted;
- 4127 k. The facility shall have direct access to a road designated as a major collector
4128 (or higher) in the Comprehensive Plan unless the department determines through the
4129 conditional use permit review that the type and amount of traffic generated by the facility is
4130 such that it will not cause an undue impact on the neighbors or adversely affect safety of
4131 road usage;
- 4132 l. The facility shall be secured at the close of business each day;
- 4133 m. All equipment and objects used in the paintball activities shall be removed
4134 from the site within ninety days of the discontinuance of the paintball use; and
- 4135 n. A copy of the current liability policy of not less than one million dollars for
4136 bodily injury or death shall be submitted with the conditional use permit application and
4137 shall be maintained in the department.
- 4138 28. Before filing an application with the department, the applicant shall hold a
4139 community meeting in accordance with K.C.C. 20.20.035.
- 4140 29. Only as accessory to a recreation or multiuse park of least twenty acres located
4141 within the urban growth area or on a site immediately adjacent to the urban growth area or
4142 in a building listed ~~((on))~~ in the National Register of Historic Places as an historic site or
4143 designated as a King County landmark subject to K.C.C. chapter 21A.32.
- 4144 30.a. A community meeting consistent with K.C.C. 20.20.035 shall be convened
4145 by the applicant before submittal of an application for permits to establish a destination
4146 resort.
- 4147 b. Subject to review and approval of conditions to comply with trail corridor
4148 provisions of K.C.C. chapter 21A.14 when located in an RA zone.
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Ordinance

4149 c. Except for trails, residential and recreational structures and facilities shall be
4150 setback at least one hundred feet from adjacent roadways and access easements; and at least
4151 three hundred feet from adjacent residential, rural area, or resource zoned properties.

4152 d. Outside the urban growth area:

4153 (1). The minimum site area is ten acres and must be at least five miles from the
4154 urban growth area boundary;

4155 (2) the number of temporary lodging units shall not exceed two units per acre,
4156 up to one hundred units, and be proportionately scaled and limited based on developed site
4157 area, availability of recreation opportunities and distance to urban area zones allowing for
4158 temporary lodging;

4159 (3) the site must be within ten miles of at least three off-site, outdoor resource-
4160 based recreation activities; and

4161 (4) the destination resort shall provide at least two on-site outdoor resource-
4162 based recreation activities;

4163 e. Applications must identify all aspects of the proposal, including residential,
4164 commercial, and recreational uses;

4165 f. Accessory on-site uses shall be at a size and scale to serve primarily the guests
4166 of the resort;

4167 g. When occurring in the forest zone, forest production district, or rural forest
4168 focus areas, the proposal must demonstrate that the predominate land area will remain viable
4169 for resource-based uses or preservation of forestry resources, or both; and

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4170 h. When occurring in the forest production district, only allowed if compatible
 4171 with long-term forestry, protection of Indian tribal cultural resources, and other resource
 4172 management goals of the Comprehensive Plan.

4173 SECTION 104. Ordinance 10870, Section 332, as amended, and K.C.C.
 4174 21A.08.050 are hereby amended to read as follows:

4175 A. General services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
		SIC#	SPECIFIC LAND USE	A		F	M	RA	UR	R1-8	R12-48	NB	CB	RB
		PERSONAL SERVICES:												
72		General Personal Service						C25 C37	C25 C37	P	P	P	P3	P3
7216		Drycleaning Plants												P
7218		Industrial Launderers												P
7261		Funeral Home/Crematory					C4	C4	C4		P	P		
*		Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24	
*		Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7
*		Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
074		Veterinary Clinic	P9			P9 C10 and	P9 C10			P10	P10	P10		P

Ordinance

					31								
753		Automotive Repair (1)							P11	P	P		P
754		Automotive Service							P11	P	P		P
76		Miscellaneous Repair (44)			P32	P32	P32	P32	P32	P	P		P
((866)) *		((Church, Synagogue, Temple)) <u>Religious Facility</u>			P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P	
83		Social Services (2)			P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P	
0752		Animal specialty services			C P35 P36	C			P	P	P	P	P
*		Stable	P14 C		P14 C31	P14 C	P 14 C						
*		Commercial Kennel or Commercial Cattery	P42		C43	C43				C43	P43		
*		Theatrical Production Services								P30	P28		
*		Artist Studios			P28	P28	P28	P28	P	P	P	P29	P
*		Interim Recycling Facility			P21	P21	P21	P21	P22	P22	P	P21	P
*		Dog training facility	C34		C34	C34			P	P	P		P
		HEALTH SERVICES:											
801- 04		Office/Outpatient Clinic			P12 C 13a	P12 C13a	P12 C13 a C37	P12 C13a C37	P	P	P	P	P

Ordinance

805		Nursing and Personal Care Facilities							C		P	P		
806		Hospital					C13 a	C13a			P	P	C	
807		Medical/Dental Lab									P	P	P	P
808- 09		Miscellaneous Health									P	P	P	
		EDUCATION SERVICES:												
*		Elementary School				P39 P40	P	P	P		P16 P40	P16 P40	P16 P40	
*		Middle/Junior High School				P40 C39 and 31	P	P	P		P16 C40	P16 C40	P16 C40	
*		Secondary or High School				C39 and 31 C41 and 31	P26	P26	P26		P16 C15	P16 C15	P16	
*		Vocational School				P13a C	P13a C	P13a C				P15	P17	P
*		Specialized Instruction School				P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P 38
*		School District Support Facility				P23 C	P23 C	P23 C	C15	P15	P15	P15	P15	

4176

B. Development conditions.

4177

1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted

4178

use table.

Ordinance

-
- 4179 2. Except SIC Industry Group Nos.:
- 4180 a. 835-Day Care Services, and
- 4181 b. Community residential facilities.
- 4182 3. Limited to SIC Industry Group and Industry Nos.:
- 4183 a. 723-Beauty Shops;
- 4184 b. 724-Barber Shops;
- 4185 c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 4186 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 4187 e. 217-Carpet and Upholstery Cleaning.
- 4188 4. Only as accessory to a cemetery, and prohibited from the UR zone only if the
- 4189 property is located within a designated unincorporated Rural Town.
- 4190 5. Structures shall maintain a minimum distance of one hundred feet from property
- 4191 lines adjoining rural area and residential zones.
- 4192 6. Only as accessory to residential use, and:
- 4193 a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with
- 4194 no openings except for gates, and have a minimum height of six feet; and
- 4195 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
- 4196 from property lines adjoining rural area and residential zones.
- 4197 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
- 4198 21A.08.060.A.
- 4199 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32, or
- 4200 an accessory use to a school, ((~~church~~)) religious facility, park, sport club, or public housing
- 4201 administered by a public agency, and:
-

Ordinance

4202 a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with
4203 no openings except for gates, and have a minimum height of six feet;

4204 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
4205 from property lines adjoining rural area and residential zones;

4206 c. Direct access to a developed arterial street shall be required in any residential
4207 zone; and

4208 d. Hours of operation may be restricted to assure compatibility with surrounding
4209 development.

4210 9. As a home occupation only, but the square footage limitations in K.C.C. chapter
4211 21A.30 for home occupations apply only to the office space for the veterinary clinic, and:

4212 a. Boarding or overnight stay of animals is allowed only on sites of five acres or
4213 more;

4214 b. No burning of refuse or dead animals is allowed;

4215 c. The portion of the building or structure in which animals are kept or treated
4216 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be
4217 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with
4218 concrete or other impervious material; and

4219 d. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

4220 10.a. No burning of refuse or dead animals is allowed;

4221 b. The portion of the building or structure in which animals are kept or treated
4222 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be
4223 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with
4224 concrete or other impervious material; and

Ordinance

4225 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

4226 11. The repair work or service shall only be performed in an enclosed building,
4227 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery
4228 Repair Shops and Paint Shops is not allowed.

4229 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
4230 Before filing an application with the department, the applicant shall hold a community
4231 meeting in accordance with K.C.C. 20.20.035.

4232 13.a. Except as otherwise provided in subsection B.13.b. of this section, only as a
4233 reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

4234 b. Allowed for a social service agency on a site in the NB zone that serves
4235 transitional or low-income housing located within three hundred feet of the site on which the
4236 social service agency is located.

4237 c. Before filing an application with the department, the applicant shall hold a
4238 community meeting in accordance with K.C.C. 20.20.035.

4239 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not exceed
4240 twenty thousand square feet, but stabling areas, whether attached or detached, shall not be
4241 counted in this calculation.

4242 15. If located outside of the urban growth area, limited to projects that are of a size
4243 and scale designed to primarily serve the Rural Area and Natural Resource Lands and shall
4244 be located within a rural town.

4245 16. If located outside of the urban growth area, shall be designed to primarily serve
4246 the Rural Area and Natural Resource Lands and shall be located within a rural town. In CB,
4247 RB₂ and O, for K-12 schools with no more than one hundred students.

Ordinance

- 4248 17. All instruction must be within an enclosed structure.
- 4249 18. Limited to resource management education programs.
- 4250 19. Only as accessory to residential use, and:
- 4251 a. Students shall be limited to twelve per one-hour session;
- 4252 b. Except as provided in subsection B.19.c. of this section, all instruction must be
- 4253 within an enclosed structure;
- 4254 c. Outdoor instruction may be allowed on properties at least two and one-half
- 4255 acres in size. Any outdoor activity must comply with the requirements for setbacks in
- 4256 K.C.C. chapter 21A.12; and
- 4257 d. Structures used for the school shall maintain a distance of twenty-five feet
- 4258 from property lines adjoining rural area and residential zones.
- 4259 20. Subject to the following:
- 4260 a. Structures used for the school and accessory uses shall maintain a minimum
- 4261 distance of twenty-five feet from property lines adjoining residential zones;
- 4262 b. On lots over two and one-half acres:
- 4263 (1) Retail sale of items related to the instructional courses is permitted, if total
- 4264 floor area for retail sales is limited to two thousand square feet;
- 4265 (2) Sale of food prepared in the instructional courses is permitted with ~~((Seattle-~~
- 4266 ~~King County department of))~~ public health - Seattle & King County approval, if total floor
- 4267 area for food sales is limited to one thousand square feet and is located in the same structure
- 4268 as the school; and
- 4269 (3) Other incidental student-supporting uses are allowed, if such uses are found
- 4270 to be both compatible with and incidental to the principal use; and

Ordinance

4271 c. On sites over ten acres, located in a designated Rural Town and zoned any one
4272 or more of UR, R-1, and R-4:

4273 (1) Retail sale of items related to the instructional courses is permitted, provided
4274 total floor area for retail sales is limited to two thousand square feet;

4275 (2) Sale of food prepared in the instructional courses is permitted with ((~~Seattle-~~
4276 ~~King County department of~~) public health - Seattle & King County approval, if total floor
4277 area for food sales is limited to one thousand seven hundred fifty square feet and is located
4278 in the same structure as the school;

4279 (3) Other incidental student-supporting uses are allowed, if the uses are found to
4280 be functionally related, subordinate, compatible with and incidental to the principal use;

4281 (4) The use shall be integrated with allowable agricultural uses on the site;

4282 (5) Advertised special events shall comply with the temporary use requirements
4283 of this chapter; and

4284 (6) Existing structures that are damaged or destroyed by fire or natural event, if
4285 damaged by more than fifty percent of their prior value, may reconstruct and expand an
4286 additional sixty-five percent of the original floor area but need not be approved as a
4287 conditional use if their use otherwise complies with development condition in subsection
4288 B.20.c. of this section and this title.

4289 21. Limited to:

4290 a. drop box facilities accessory to a public or community use such as a school,
4291 fire station, or community center; or

4292 b. in the RA zone, a facility accessory to a retail nursery, garden center and farm

Ordinance

- 4293 supply store that accepts earth materials, vegetation, organic waste, construction, and
4294 demolition materials or source separated organic materials, if:
- 4295 (1) the site is five acres or greater;
 - 4296 (2) all material is deposited into covered containers or onto covered impervious
4297 areas;
 - 4298 (3) the facility and any driveways or other access to the facility maintain a
4299 setback of at least twenty five feet from adjacent properties;
 - 4300 (4) the total area of the containers and covered impervious area is ten thousand
4301 square feet or less;
 - 4302 (5) ten feet of type II landscaping is provided between the facility and adjacent
4303 properties;
 - 4304 (6) no processing of the material is conducted on site; and
 - 4305 (7) access to the facility is not from a local access street.
- 4306 22. With the exception of drop box facilities for the collection and temporary
4307 storage of recyclable materials, all processing and storage of material shall be within
4308 enclosed buildings. Yard waste processing is not permitted.
- 4309 23. Only if adjacent to an existing or proposed school.
- 4310 24. Limited to columbariums accessory to a ~~((church))~~ religious facility, but
4311 required landscaping and parking shall not be reduced.
- 4312 25. Not permitted in R-1 and limited to a maximum of five thousand square feet
4313 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.
- 4314 26.a. New high schools permitted in the rural and the urban residential and urban
4315 reserve zones shall be subject to the review process in K.C.C. 21A.42.140.

Ordinance

4316 b. Renovation, expansion, modernization, or reconstruction of a school, or the
4317 addition of relocatable facilities, is permitted.

4318 27. Limited to projects that do not require or result in an expansion of sewer
4319 service outside the urban growth area. In addition, such use shall not be permitted in the
4320 RA-20 zone.

4321 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
4322 21A.32 or as a joint use of an existing public school facility.

4323 29. All studio use must be within an enclosed structure.

4324 30. Adult use facilities shall be prohibited within six hundred sixty feet of any rural
4325 area and residential zones, any other adult use facility, school, licensed daycare centers,
4326 parks, community centers, public libraries, or ~~((churches))~~ religious facilities that conduct
4327 religious or educational classes for minors.

4328 31. Subject to review and approval of conditions to comply with trail corridor
4329 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

4330 32. Limited to repair of sports and recreation equipment:

4331 a. as accessory to a recreation or multiuse park in the urban growth area; or

4332 b. as accessory to a park and limited to a total floor area of seven hundred fifty
4333 square feet.

4334 33. Repealed.

4335 34. Subject to the following:

4336 a. the lot is at least five acres;

4337 b. in the A zones, area used for dog training shall be located on portions of
4338 agricultural lands that are unsuitable for other agricultural purposes, such as areas within the

4339 already developed portion of such agricultural lands that are not available for direct
4340 agricultural production or areas without prime agricultural soils;

4341 c. structures and areas used for dog training shall maintain a minimum distance of
4342 seventy-five feet from property lines; and

4343 d. all training activities shall be conducted within fenced areas or in indoor
4344 facilities. Fences must be sufficient to contain the dogs.

4345 35. Limited to animal rescue shelters and provided that:

4346 a. the property shall be at least four acres;

4347 b. buildings used to house rescued animals shall be no less than fifty feet from
4348 property lines;

4349 c. outdoor animal enclosure areas shall be located no less than thirty feet from
4350 property lines and shall be fenced in a manner sufficient to contain the animals;

4351 d. the facility shall be operated by a nonprofit organization registered under the
4352 Internal Revenue Code as a 501(c)(3) organization; and

4353 e. the facility shall maintain normal hours of operation no earlier than 7 a.m. and
4354 no later than 7 p.m.

4355 36. Limited to kennel-free dog boarding and daycare facilities, and:

4356 a. the property shall be at least four and one-half acres;

4357 b. buildings housing dogs shall be no less than seventy-five feet from property
4358 lines;

4359 c. outdoor exercise areas shall be located no less than thirty feet from property
4360 lines and shall be fenced in a manner sufficient to contain the dogs;

Ordinance

4361 d. the number of dogs allowed on the property at any one time shall be limited to
4362 the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and

4363 e. training and grooming are ancillary services that may be provided only to dogs
4364 staying at the facility; and

4365 f. the facility shall maintain normal hours of operation no earlier than 7 a.m. and
4366 no later than 7 p.m.

4367 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.
4368 21A.12.250.

4369 38. Driver training is limited to driver training schools licensed under chapter
4370 46.82 RCW.

4371 39. A school may be located outside of the urban growth area only if allowed
4372 under King County Comprehensive Plan policies.

4373 40. Only as a reuse of an existing public school.

4374 41. A high school may be allowed as a reuse of an existing public school if
4375 allowed under King County Comprehensive Plan policies.

4376 42. Commercial kennels and commercial catteries in the A zone are subject to the
4377 following:

4378 a. Only as a home occupation, but the square footage limitations in K.C.C.
4379 chapter 21A.30.085 for home occupations apply only to the office space for the commercial
4380 kennel or commercial cattery; and

4381 b. Subject to K.C.C. 21A.30.020, except:

4382 (1) A building or structure used for housing dogs or cats and any outdoor runs
4383 shall be set back one hundred and fifty feet from property lines;

Ordinance

4384 (2) The portion of the building or structure in which the dogs or cats are kept
4385 shall be soundproofed;

4386 (3) Impervious surface for the kennel or cattery shall not exceed twelve thousand
4387 square feet; and

4388 (4) Obedience training classes are not allowed except as provided in subsection
4389 B.34. of this section.

4390 43. Commercial kennels and commercial catteries are subject to K.C.C.
4391 21A.30.020.

4392 44. If the miscellaneous repair is associated with agriculture activities it will be
4393 reviewed in accordance with K.C.C. 21A.08.090.

4394 SECTION 105. Ordinance 10870, Section 333, as amended, and K.C.C.
4395 21A.08.060 are hereby amended to read as follows:

4396 A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RUR AL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P

Ordinance

9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility (41)	P29 C2 8	P29 C2 8	P29 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	BUSINESS SERVICES:												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing((5-1)) and Wholesale Trade (1)												P
*	Self-service Storage							(P1 4)	P37	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration, and Storage (38)												P
*	Log Storage (38)		P		P26 and 33								P
47	Transportation Service												P39
473	Freight and Cargo Service										P	P	P

Ordinance

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		P	P22				P22	P22	P	P	P
*	Helistop			40	C23	C23	C23	C23	C23	C24	C23	C24

4397

B. Development conditions.

4398

1. Except self-service storage.

4399

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

4400

Educational Research, see general business service/office.

Ordinance

4401 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
4402 subject to K.C.C. chapter 21A.32; or

4403 b. only when accessory to a fire facility and the office is no greater than one
4404 thousand five hundred square feet of floor area.

4405 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
4406 21A.32.

4407 5. New utility office locations only if there is no commercial/industrial zoning
4408 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
4409 no feasible alternative location is possible(~~(, and provided further that)~~). ((~~†~~))This
4410 condition also applies to the UR zone only if the property is located within a designated
4411 unincorporated Rural Town.

4412 6.a. All buildings and structures shall maintain a minimum distance of twenty
4413 feet from property lines adjoining rural area and residential zones;

4414 b. Any buildings from which fire-fighting equipment emerges onto a street
4415 shall maintain a distance of thirty-five feet from such street;

4416 c. No outdoor storage; and

4417 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
4418 feasible alternative location is possible.

4419 7. Limited to storefront police offices. Such offices shall not have:

4420 a. holding cells;

4421 b. suspect interview rooms (except in the NB zone); or

4422 c. long-term storage of stolen properties.

Ordinance

4423 8. Private stormwater management facilities serving development proposals
4424 located on commercial/industrial zoned lands shall also be located on
4425 commercial/industrial lands, unless participating in an approved shared facility drainage
4426 plan. Such facilities serving development within an area designated urban in the King
4427 County Comprehensive Plan shall only be located in the urban area.

4428 9. No outdoor storage of materials.

4429 10. Limited to office uses.

4430 11. Limited to self-service household moving truck or trailer rental accessory to
4431 a gasoline service station.

4432 12. Limited to self-service household moving truck or trailer rental accessory to
4433 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

4434 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

4435 14. ~~((Accessory to an apartment development of at least twelve units provided:~~

4436 ~~a. The gross floor area in self service storage shall not exceed the total gross~~
4437 ~~floor area of the apartment dwellings on the site;~~

4438 ~~b. All outdoor lights shall be deflected, shaded and focused away from all~~
4439 ~~adjoining property;~~

4440 ~~c. The use of the facility shall be limited to dead storage of household goods;~~

4441 ~~d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or~~
4442 ~~similar equipment;~~

4443 ~~e. No outdoor storage or storage of flammable liquids, highly combustible or~~
4444 ~~explosive materials or hazardous chemicals;~~

4445 ~~f. No residential occupancy of the storage units;~~

Ordinance

-
- 4446 ~~g. No business activity other than the rental of storage units; and~~
- 4447 ~~h. A resident director shall be required on the site and shall be responsible for~~
- 4448 ~~maintaining the operation of the facility in conformance with the conditions of approval.~~
- 4449 ~~i. Before filing an application with the department, the applicant shall hold a~~
- 4450 ~~community meeting in accordance with K.C.C. 20.20.035.) Repealed.~~
- 4451 15. Repealed.
- 4452 16. Only as an accessory use to another permitted use.
- 4453 17. No outdoor storage.
- 4454 18. Only as an accessory use to a public agency or utility yard, or to a transfer
- 4455 station.
- 4456 19. Limited to new commuter parking lots designed for thirty or fewer parking
- 4457 spaces or commuter parking lots located on existing parking lots for ~~((churches))~~
- 4458 religious facilities, schools, or other permitted nonresidential uses that have excess
- 4459 capacity available during commuting(~~(; provided that)~~), but only if the new or existing lot
- 4460 is adjacent to a designated arterial that has been improved to a standard acceptable to the
- 4461 department of local services;
- 4462 20.a. No tow-in lots for damaged, abandoned, or otherwise impounded vehicles,
- 4463 and
- 4464 b. Tow-in lots for damaged, abandoned, or otherwise impounded vehicles shall
- 4465 be:
- 4466 (1) permitted only on parcels located within Vashon Town Center;
- 4467 (2) accessory to a gas or automotive service use; and
- 4468 (3) limited to no more than ten vehicles.
-

Ordinance

- 4469 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
4470 vehicles.
- 4471 22. Storage limited to accessory storage of commodities sold at retail on the
4472 premises or materials used in the fabrication of commodities sold on the premises.
- 4473 23. Limited to emergency medical evacuation sites in conjunction with police,
4474 fire, or health service facility. Helistops are prohibited from the UR zone only if the
4475 property is located within a designated unincorporated Rural Town.
- 4476 24. Allowed as accessory to an allowed use.
- 4477 25. Limited to private road ambulance services with no outside storage of
4478 vehicles.
- 4479 26. Limited to two acres or less.
- 4480 27a. Utility yards only on sites with utility district offices; or
4481 b. Public agency yards are limited to material storage for road maintenance
4482 facilities.
- 4483 28. Limited to local distribution gas storage tanks that pipe to individual
4484 residences but excluding liquefied natural gas storage tanks.
- 4485 29. Excluding local distribution gas storage tanks.
- 4486 30. For I-zoned sites located outside the urban growth area designated by the
4487 King County Comprehensive Plan, uses shall be subject to the provisions for rural
4488 industrial uses in K.C.C. (~~chapter 21A.12~~) 21A.14.280.
- 4489 31. Vactor waste treatment, storage, and disposal shall be limited to liquid
4490 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
4491 in tanks (or other covered structures), as well as enclosed buildings.

- 4492 32. (~~Provided~~) Only if:
- 4493 a. Off-street required parking for a land use located in the urban area must be
4494 located in the urban area;
- 4495 b. Off-street required parking for a land use located in the rural area must be
4496 located in the rural area; and
- 4497 c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street
4498 required parking must be located on a lot that would permit, either outright or through a
4499 land use permit approval process, the land use the off-street parking will serve.
- 4500 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
4501 be located on a site in the NB zone, off-street required parking may be located on a site
4502 within three hundred feet of the social service agency, regardless of zoning classification
4503 of the site on which the parking is located.
- 4504 33. Subject to review and approval of conditions to comply with trail corridor
4505 provisions of K.C.C. chapter 21A.14 when located in an RA zone.
- 4506 34. Limited to landscape and horticultural services (SIC 078) that are accessory
4507 to a retail nursery, garden center and farm supply store. Construction equipment for the
4508 accessory use shall not be stored on the premises.
- 4509 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
4510 use.
- 4511 36. Repealed.
- 4512 37. Use shall be limited to the NB zone on parcels outside of the (~~U~~)urban
4513 (~~G~~)growth (~~A~~)area, Rural Towns, and Rural Neighborhood(~~s~~) Commercial Centers
4514 and the building floor area devoted to such use shall not exceed ten thousand square feet.
-

Ordinance

4515 38. If the farm product warehousing, refrigeration and storage, or log storage, is
 4516 associated with agriculture activities it will be reviewed in accordance with K.C.C.
 4517 21A.08.090.

4518 39. Excluding fossil fuel facilities.

4519 40. Helistops are not allowed in the RA zone as an accessory to a government or
 4520 business services use, but may be allowed in that zone as part of a search and rescue facility,
 4521 subject to K.C.C. 21A.08.100.B.30.

4522 41. As part of an application for an addition, expansion, or upgrade of electric
 4523 transmission and distribution lines or the siting new gas or hazardous liquid transmission
 4524 pipelines, the applicant shall submit an equity impact review of the proposal using tools
 4525 developed by the office of equity and racial and social justice. The results from the equity
 4526 impact review shall be used to assess equity impacts and opportunities during county permit
 4527 review and may be used to inform determinations of project approval.

4528 SECTION 106. Ordinance 10870, Section 334, as amended, and K.C.C.
 4529 21A.08.070 are hereby amended to read as follows:

4530 A. Retail land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (((30)))
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery,	P1			P1 C1				P31	P	P		

Ordinance

	Garden Center, and Farm Supply Stores	C1											
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores				<u>C30</u>		C15a	P15	<u>P31</u>	P	P	C	P6
*	Agricultural Product Sales (28)							P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P	P

Ordinance

*	Remote Tasting Room				P13					P7	P7		
*	Drug Stores						C15	P15	P31	P	P	C	
*	((Marijuana)) Cannabis retailer									P26 C27	P26 C27		
592	Liquor Stores									P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P29	P29	P22 and 29	P22 and 29
*	Book, Stationery, Video, and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops									P	P	P	
*	Photographic and Electronic Shops									P	P	P	
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical									P	P		

Ordinance

	Supply Stores												
*	Pet Shops							P31	P	P			
*	Bulk Retail								P	P			
*	Auction Houses									P12			P
*	Livestock Sales (28)												P

4531

B. Development conditions.

4532

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

4533

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

4534

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

4535

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

4536

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

4537

outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of

4538

the covered sales area;

4539

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

4540

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

4541

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

4542

2.a. Only hardware stores; and

4543

b. In rural neighborhood commercial centers, limited to ten thousand square feet

4544

of gross floor area.

4545

3.a. Limited to products grown on site.

4546

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

4547

4. No permanent structures or signs.

Ordinance

- 4548 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
4549 maximum of two thousand square feet of gross floor area.
- 4550 6. Limited to a maximum of five thousand square feet of gross floor area.
- 4551 7. Off-street parking is limited to a maximum of one space per fifty square feet of
4552 tasting and retail areas.
- 4553 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 4554 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 4555 10. Excluding SIC Industry No. 5813-Drinking Places.
- 4556 11. No outside storage of fuel trucks and equipment.
- 4557 12. Excluding vehicle and livestock auctions.
- 4558 13. Permitted as part of the demonstration project authorized by K.C.C.
4559 21A.55.110.
- 4560 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a
4561 maximum of five thousand square feet of gross floor area, and subject to K.C.C.
4562 21A.12.230; and
- 4563 b. Before filing an application with the department, the applicant shall hold a
4564 community meeting in accordance with K.C.C. 20.20.035.
- 4565 15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet
4566 of gross floor area and subject to K.C.C. 21A.12.230; and
- 4567 b. Before filing an application with the department, the applicant shall hold a
4568 community meeting in accordance with K.C.C. 20.20.035.

Ordinance

4569 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places,
4570 and limited to a maximum of five thousand square feet of gross floor area and subject to
4571 K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

4572 b. Before filing an application with the department, the applicant shall hold a
4573 community meeting in accordance with K.C.C. 20.20.035.

4574 17. Repealed.

4575 18. Repealed.

4576 19. Only as:

4577 a. an accessory use to a permitted manufacturing or retail land use, limited to
4578 espresso stands to include sales of beverages and incidental food items, and not to include
4579 drive-through sales; or

4580 b. an accessory use to a recreation or multiuse park, limited to a total floor area of
4581 three thousand five hundred square feet.

4582 20. Only as:

4583 a. an accessory use to a recreation or multiuse park; or

4584 b. an accessory use to a park and limited to a total floor area of one thousand five
4585 hundred square feet.

4586 21. Accessory to a park, limited to a total floor area of seven hundred fifty square
4587 feet.

4588 22. Only as an accessory use to:

4589 a. a large active recreation and multiuse park in the urban growth area; or

4590 b. a park, or a recreation or multiuse park in the RA zones, and limited to a total
4591 floor area of seven hundred ~~((and))~~ fifty square feet.

Ordinance

4592 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC Industry
4593 No. 2431-Millwork and;

4594 a. limited to lumber milled on site; and

4595 b. the covered sales area is limited to two thousand square feet. The covered
4596 sales area does not include covered areas used to display only milled lumber.

4597 24. Requires at least five farmers selling their own products at each market and the
4598 annual value of sales by farmers should exceed the annual sales value of nonfarmer vendors.

4599 25. Limited to sites located within the urban growth area and:

4600 a. The sales area shall be limited to three hundred square feet and must be
4601 removed each evening;

4602 b. There must be legal parking that is easily available for customers; and

4603 c. The site must be in an area that is easily accessible to the public, will
4604 accommodate multiple shoppers at one time and does not infringe on neighboring
4605 properties.

4606 26.a. Per lot, limited to a maximum aggregated total of two thousand square feet of
4607 gross floor area devoted to, and in support of, the retail sale of ~~((marijuana))~~ cannabis.

4608 b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated
4609 total gross floor area devoted to, and in support of, the retail sale of ~~((marijuana))~~ cannabis
4610 may be increased to up to three thousand square feet if the retail outlet devotes at least five
4611 hundred square feet to the sale, and the support of the sale, of medical ~~((marijuana))~~
4612 cannabis, and the operator maintains a current medical ~~((marijuana))~~ cannabis endorsement
4613 issued by the Washington state Liquor and Cannabis Board.

Ordinance

4614 c. Any lot line of a lot having any area devoted to retail ((~~marijuana~~)) cannabis
4615 activity must be one thousand feet or more from any lot line of any other lot having any area
4616 devoted to retail ((~~marijuana~~)) cannabis activity; and a lot line of a lot having any area
4617 devoted to new retail ((~~marijuana~~)) cannabis activity may not be within one thousand feet of
4618 any lot line of any lot having any area devoted to existing retail ((~~marijuana~~)) cannabis
4619 activity.

4620 d. Whether a new retail ((~~marijuana~~)) cannabis activity complies with this
4621 locational requirement shall be determined based on the date a conditional use permit
4622 application submitted to the department of local services, permitting division, became or
4623 was deemed complete, and:

4624 (1) if a complete conditional use permit application for the proposed retail
4625 ((~~marijuana~~)) cannabis use was not submitted, or if more than one conditional use permit
4626 application became or was deemed complete on the same date, then the director shall
4627 determine compliance based on the date the Washington state Liquor and Cannabis Board
4628 issues a Notice of ((~~Marijuana~~)) Cannabis Application to King County;

4629 (2) if the Washington state Liquor and Cannabis Board issues more than one
4630 Notice of ((~~Marijuana~~)) Cannabis Application on the same date, then the director shall
4631 determine compliance based on the date either any complete building permit or change of
4632 use permit application, or both, were submitted to the department declaring retail
4633 ((~~marijuana~~)) cannabis activity as an intended use;

4634 (3) if more than one building permit or change of use permit application was
4635 submitted on the same date, or if no building permit or change of use permit application was

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4636 submitted, then the director shall determine compliance based on the date a complete
4637 business license application was submitted; and

4638 (4) if a business license application was not submitted or more than one business
4639 license application was submitted, then the director shall determine compliance based on the
4640 totality of the circumstances, including, but not limited to, the date that a retail ((~~marijuana~~))
4641 cannabis license application was submitted to the Washington state Liquor and Cannabis
4642 Board identifying the lot at issue, the date that the applicant entered into a lease or purchased
4643 the lot at issue for the purpose of retail ((~~marijuana~~)) cannabis use, and any other facts
4644 illustrating the timing of substantial investment in establishing a licensed retail ((~~marijuana~~))
4645 cannabis use at the proposed location.

4646 e. Retail ((~~marijuana~~)) cannabis businesses licensed by the Washington state
4647 Liquor and Cannabis Board and operating within one thousand feet of each other as of
4648 August 14, 2016, and retail ((~~marijuana~~)) cannabis businesses that do not require a permit
4649 issued by King County, that received a Washington state Liquor and Cannabis Board license
4650 to operate in a location within one thousand feet of another licensed retail ((~~marijuana~~))
4651 cannabis business ((~~prior to~~)) before August 14, 2016, and that King County did not object
4652 to within the Washington state Liquor and Cannabis Board ((~~marijuana~~)) cannabis license
4653 application process, shall be considered nonconforming and may remain in ((~~their~~)) the
4654 businesses' current locations, subject to the provisions of K.C.C. 21A.32.020 through
4655 21A.32.075 for nonconforming uses, except:

4656 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and
4657 (2) the gross floor area of a nonconforming retail outlet may be increased up to
4658 the limitations in subsection B.26.a. and B.26.b. of this section.

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4659 27. Per lot, limited to a maximum aggregated total of five thousand square feet
4660 gross floor area devoted to, and in support of, the retail sale of ~~((marijuana))~~ cannabis,
4661 and~~((;))~~:

4662 a. Any lot line of a lot having any area devoted to retail ~~((marijuana))~~ cannabis
4663 activity must be one thousand feet or more from any lot line of any other lot having any area
4664 devoted to retail ~~((marijuana))~~ cannabis activity; and any lot line of a lot having any area
4665 devoted to new retail ~~((marijuana))~~ cannabis activity may not be within one thousand feet of
4666 any lot line of any lot having any area devoted to existing retail ~~((marijuana))~~ cannabis
4667 activity; ~~((and))~~

4668 b. Whether a new retail ~~((marijuana))~~ cannabis activity complies with this
4669 locational requirement shall be determined based on the date a conditional use permit
4670 application submitted to the department of local services, permitting division, became or
4671 was deemed complete, and:

4672 (1) if a complete conditional use permit application for the proposed retail
4673 ~~((marijuana))~~ cannabis use was not submitted, or if more than one conditional use permit
4674 application became or was deemed complete on the same date, then the director shall
4675 determine compliance based on the date the Washington state Liquor and Cannabis Board
4676 issues a Notice of ~~((Marijuana))~~ Cannabis Application to King County;

4677 (2) if the Washington state Liquor and Cannabis Board issues more than one
4678 Notice of ~~((Marijuana))~~ Cannabis Application on the same date, then the director shall
4679 determine compliance based on the date either any complete building permit or change of
4680 use permit application, or both, were submitted to the department declaring retail
4681 ~~((marijuana))~~ cannabis activity as an intended use;

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4682 (3) if more than one building permit or change of use permit application was
4683 submitted on the same date, or if no building permit or change of use permit application was
4684 submitted, then the director shall determine compliance based on the date a complete
4685 business license application was submitted; and

4686 (4) if a business license application was not submitted or more than one business
4687 license application was submitted, then the director shall determine compliance based on the
4688 totality of the circumstances, including, but not limited to, the date that a retail ~~((marijuana))~~
4689 cannabis license application was submitted to the Washington state Liquor and Cannabis
4690 Board identifying the lot at issue, the date that the applicant entered into a lease or purchased
4691 the lot at issue for the purpose of retail ~~((marijuana))~~ cannabis use, and any other facts
4692 illustrating the timing of substantial investment in establishing a licensed retail ~~((marijuana))~~
4693 cannabis use at the proposed location; and

4694 c. Retail ~~((marijuana))~~ cannabis businesses licensed by the Washington state
4695 Liquor and Cannabis Board and operating within one thousand feet of each other as of
4696 August 14, 2016, and retail ~~((marijuana))~~ cannabis businesses that do not require a permit
4697 issued by King County, that received a Washington state Liquor and Cannabis Board license
4698 to operate in a location within one thousand feet of another licensed retail ~~((marijuana))~~
4699 cannabis business ~~((prior to))~~ before August 14, 2016, and that King County did not object
4700 to within the Washington state Liquor and Cannabis Board ~~((marijuana))~~ cannabis license
4701 application process, shall be considered nonconforming and may remain in ~~((their))~~ the
4702 business' current location, subject to the provisions of K.C.C. 21A.32.020 through
4703 21A.32.075 for nonconforming uses, except:

4704 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and

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4705 (2) the gross floor area of a nonconforming retail outlet may be increased up to
 4706 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

4707 28. If the agricultural product sales or livestock sales is associated with agricultural
 4708 activities it will be reviewed in accordance with K.C.C. 21A.08.090.

4709 29. Businesses selling firearms that have a storefront, have hours during which it is
 4710 open for business, and post advertisements or signs observable to passersby that firearms are
 4711 available for sale shall be located at least five hundred feet or more from any elementary,
 4712 middle/junior high and secondary or high school properties. Businesses selling firearms in
 4713 existence before June 30, 2020, shall be considered nonconforming and may remain in their
 4714 current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for
 4715 nonconforming uses.

4716 30. Only within a former grange hall incorporated under chapter 24.28 RCW and
 4717 listed in the National Register of Historic Places or designated as a King County landmark
 4718 subject to K.C.C. chapter 21A.32 and if the parcel is located within one thousand feet of a
 4719 Rural Neighborhood Commercial Center as designated by the King County Comprehensive
 4720 Plan.

4721 31. In rural neighborhood commercial centers, limited to ten thousand square feet
 4722 of gross floor area.

4723 SECTION 107. Ordinance 10870, Section 335, as amended, and K.C.C.

4724 21A.08.080 are hereby amended to read as follows:

4725 A. Manufacturing land uses.

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

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S-Special Use													
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	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 C((5))	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C

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31	Leather and Leather Goods										C		P33 C
32	Stone, Clay, Glass, and Concrete Products								P6		P9		P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment										C	C	P
36	Electronic and other Electric Equipment										C		P
371	<u>Motor Vehicles and Motor Vehicle Equipment</u>												C
374	Railroad Equipment												C
375	<u>Motorcycles, Bicycles, and Parts</u>												P34 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
((*	<u>Motor Vehicle and Bicycle Manufacturing</u>												C))
*	Aircraft, Ship, and Boat												P10

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	Building												C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

- 4726 B. Development conditions.
- 4727 1. Repealed.
- 4728 2. Except slaughterhouses.
- 4729 3.a. In the A zone, only allowed on sites where the primary use is SIC Industry
- 4730 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
- 4731 Animals;
- 4732 b. Only allowed on lots of at least two and one-half acres, except that this
- 4733 requirement shall not apply on Vashon-Maury Island to winery, brewery, or distillery
- 4734 business locations in use and licensed to produce by the Washington state Liquor and
- 4735 Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a
- 4736 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of
- 4737 at least two acres;
- 4738 c. The aggregated floor area of structures and areas for winery, brewery, distillery
- 4739 facility uses shall not exceed three thousand five hundred square feet, unless located in
- 4740 whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in
- 4741 which case the aggregated floor area of structures and areas devoted to winery, brewery,
- 4742 distillery facility uses shall not exceed seven thousand square feet in the RA zone and five
- 4743 thousand square feet in the A zone. Decks that are not occupied and not open to the public
- 4744 are excluded from the calculation for maximum aggregated floor area;

4745 d. Structures and parking areas for winery, brewery, distillery facility uses shall
4746 maintain a minimum distance of seventy-five feet from interior property lines adjoining
4747 rural area and residential zones, unless located in a building designated as historic resource
4748 under K.C.C. chapter 20.62, except that on Vashon-Maury Island this setback requirement
4749 shall not apply to structures and parking areas in use on December 4, 2019, by existing
4750 winery, brewery or distillery business locations licensed to produce by the Washington state
4751 Liquor and Cannabis Board before January 1, 2019;

4752 e. In the A zone, sixty percent or more of the products processed must be grown
4753 on-site. At the time of the initial application under K.C.C. chapter 6.74, the applicant shall
4754 submit a projection of the source of products to be produced;

4755 f. At least two stages of production of wine, beer, cider, or distilled spirits, such
4756 as crushing, fermenting, distilling, barrel, or tank aging, or finishing, as authorized by the
4757 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
4758 least one of the stages of production occurring on-site shall include crushing, fermenting, or
4759 distilling;

4760 g. In the A zone, structures and area for non-agricultural winery, brewery,
4761 distillery facility uses shall be located on portions of agricultural lands that are unsuitable for
4762 agricultural purposes, such as areas within the already developed portion of such agricultural
4763 lands that are not available for direct agricultural production, or areas without prime
4764 agricultural soils. No more than one acre of agricultural land may be converted to a
4765 nonagricultural accessory use;

4766 h. Tasting and retail sales of products produced on-site may occur only as
4767 accessory to the primary winery, brewery, distillery production use and may be provided in

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4768 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited
4769 to no more than thirty percent of the aggregated floor area and shall be included in the
4770 aggregated floor area limitation in subsection B.3.c. of this section. The limitation on
4771 tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island
4772 to winery, brewery, or distillery business locations in use and licensed to produce by the
4773 Washington state Liquor and Cannabis Board before January 1, 2019, or on sites in the RA
4774 zone that contain a building designated as historic resource under K.C.C. chapter 20.62.
4775 Incidental retail sales of merchandise related to the products produced on-site is allowed
4776 subject to the restrictions described in this subsection B.3. Hours of operation for on-site
4777 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays, and
4778 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,
4779 Saturdays, and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00
4780 p.m.;

4781 i. Access to the site shall be directly to and from an arterial roadway, except that
4782 this requirement shall not apply on Vashon-Maury Island to winery, brewery, distillery
4783 facility business locations in use and licensed to produce by the Washington state Liquor
4784 and Cannabis Board before January 1, 2019;

4785 j. Off-street parking is limited to a maximum of one hundred fifty percent of the
4786 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

4787 k. The business operator shall obtain an adult beverage business license in
4788 accordance with K.C.C. chapter 6.74;

4789 l. Events may be allowed with an approved temporary use permit under K.C.C.
4790 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

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4791 m. The impervious surface associated with the winery, brewery, distillery facility
 4792 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for
 4793 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

4794 4. Limited to rough milling and planing of products grown on-site with portable
 4795 equipment.

4796 5. ~~((Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-~~
 4797 ~~Millwork. For RA zoned sites, if using lumber or timber grown off site, the minimum site~~
 4798 ~~area is four and one-half acres.)) Repealed.~~

4799 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
 4800 No. 2431-Millwork, (excluding planing mills).

4801 7. Limited to photocopying and printing services offered to the general public.

4802 8. Only within enclosed buildings, and as an accessory use to retail sales.

4803 9. Only within enclosed buildings.

4804 10. Limited to boat building of craft not exceeding forty-eight feet in length.

4805 11. For I-zoned sites located outside the urban growth area designated by the King
 4806 County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
 4807 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
 4808 rural industrial uses ~~((as set forth))~~ in K.C.C. ~~((chapter 21A.12))~~ 21A.14.280.

4809 12.a. In the A zone, only allowed on sites where the primary use is SIC Industry
 4810 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
 4811 Animals;

4812 b. The aggregated floor area of structures and areas for winery, brewery, distillery
 4813 facility uses shall not exceed a total of eight thousand square feet. Decks that are not

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4814 occupied and not open to the public are excluded from the calculation for maximum
4815 aggregated floor area;

4816 c. Only allowed on lots of at least four and one-half acres. If the aggregated floor
4817 area of structures for winery, brewery, distillery uses exceeds six thousand square feet, the
4818 minimum site area shall be ten acres;

4819 d. Wineries, breweries, and distilleries shall comply with Washington state
4820 Department of Ecology and King County board of health regulations for water usage and
4821 wastewater disposal, and must connect to an existing Group A water system. The
4822 definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and
4823 provision of water service is described in K.C.C. 13.24.138, 13.24.140, and 13.24.142;

4824 e. Structures and parking areas for winery, brewery, distillery facility uses shall
4825 maintain a minimum distance of seventy-five feet from interior property lines adjoining
4826 rural area and residential zones, unless located in a building designated as historic resource
4827 under K.C.C. chapter 20.62;

4828 f. In the A Zone, sixty percent or more of the products processed must be grown
4829 on-site. At the time of the initial application under K.C.C. chapter 6.74, the applicant shall
4830 submit a projection of the source of products to be processed;

4831 g. At least two stages of production of wine, beer, cider, or distilled spirits, such
4832 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
4833 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
4834 least one of the stages of on-site production shall include crushing, fermenting, or distilling;

4835 h. In the A zone, structures and areas for non-agricultural winery, brewery,
4836 distillery facility uses shall be located on portions of agricultural lands that are unsuitable for

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4837 agricultural purposes, such as areas within the already developed portion of such agricultural
4838 lands that are not available for direct agricultural production, or areas without prime
4839 agricultural soils. No more than one acre of agricultural land may be converted to a
4840 nonagricultural accessory use;

4841 i. Tasting and retail sales of products produced on-site may occur only as
4842 accessory to the primary winery, brewery, distillery production use and may be provided in
4843 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited
4844 to no more than thirty percent of the aggregated floor area and shall be included in the
4845 aggregated floor area limitation in subsection B.12.b. and c. of this section. Incidental retail
4846 sales of merchandise related to the products produced on-site is allowed subject to the
4847 restrictions described in this subsection. Hours of operation for on-site tasting of products
4848 shall be limited as follows: Mondays, Tuesdays, Wednesdays, and Thursdays, tasting room
4849 hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays, and Sundays,
4850 tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

4851 j. Access to the site shall be directly to and from an arterial roadway;

4852 k. Off-street parking maximums shall be determined through the conditional use
4853 permit process, and should not be more than one hundred fifty percent of the minimum
4854 required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

4855 l. The business operator shall obtain an adult beverage business license in
4856 accordance with K.C.C. chapter 6.74;

4857 m. Events may be allowed with an approved temporary use permit under K.C.C.
4858 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

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4859 n. The impervious surface associated with the winery, brewery, distillery facility
4860 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for
4861 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

4862 13. Only on the same lot or same group of lots under common ownership or
4863 documented legal control, which includes, but is not limited to, fee simple ownership, a
4864 long-term lease, or an easement, and:

4865 a. does not include retail sales of processed materials, and

4866 b.(1) as accessory to a primary forestry use and at a scale appropriate to process
4867 the organic waste generated on the site; or

4868 ~~((b-))~~ (2) as a continuation of a sawmill or lumber manufacturing use only for that
4869 period to complete delivery of products or projects under contract at the end of the sawmill
4870 or lumber manufacturing activity.

4871 14. Only on the same lot or same group of lots under common ownership or
4872 documented legal control, which includes, but is not limited to, fee simple ownership, a
4873 long-term lease, or an easement, and:

4874 a. does not include retail sales of processed materials, and

4875 b.(1) as accessory to a primary mineral use and may only process materials
4876 generated from on-site or properties within three miles of the site; or

4877 ~~((b-))~~ (2) as a continuation of a mineral processing use only for that period to
4878 complete delivery of products or projects under contract at the end of mineral extraction.

4879 15. Continuation of a materials processing facility after reclamation in accordance
4880 with an approved reclamation plan.

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- 4881 16. Only a site that is ten acres or greater and ~~((that))~~ in accordance with the
4882 following:
- 4883 a. the site does not use local access streets that abut lots developed for residential
4884 use;
- 4885 b. the materials processing use meets the requirements of K.C.C. 21A.12.220 and
4886 K.C.C. chapter 21A.16;
- 4887 c. the materials processing use obtains and maintains an operational grading
4888 permit;
- 4889 d. storage of fill material, as defined in K.C.C. chapter 16.82, does not exceed
4890 three thousand cubic yards;
- 4891 e. processed fill material, as defined in K.C.C. chapter 16.82, are primarily from
4892 the Rural Area and Natural Resource Lands; and
- 4893 f. Does not include retail sales of processed materials.
- 4894 17.a. The aggregated floor area of structures and areas for winery, brewery,
4895 distillery facility uses shall not exceed three thousand five hundred square feet, unless
4896 located in whole or in part in a structure designated as historic resource under K.C.C.
4897 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
4898 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
4899 that are not occupied and not open to the public are excluded from the calculation for
4900 maximum aggregated floor area;
- 4901 b. Structures and parking areas for winery, brewery, distillery facility uses shall
4902 maintain a minimum distance of seventy-five feet from interior property lines adjoining

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4903 rural area and residential zones, unless located in a building designated as historic resource
4904 under K.C.C. chapter 20.62;

4905 c. Tasting and retail sale of products produced on-site, and merchandise related to
4906 the products produced on-site, may be provided in accordance with state law. The area
4907 devoted to on-site tasting or retail sales shall be included in the aggregated floor area
4908 limitation in subsection B.17.a. of this section;

4909 d. Off-street parking for the tasting and retail areas shall be limited to a maximum
4910 of one space per fifty square feet of tasting and retail areas;

4911 e. The business operator shall obtain an adult beverage business license in
4912 accordance with K.C.C. chapter 6.74; and

4913 f. Events may be allowed with an approved temporary use permit under K.C.C.
4914 chapter 21A.32.

4915 18. Limited to:

4916 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork,
4917 as follows:

4918 (1) If using lumber or timber grown off-site, the minimum site area is four and
4919 one-half acres; and

4920 (2) In the A and RA zones:

4921 (a) The facility shall be limited to an annual production of no more than one
4922 hundred fifty thousand board feet;

4923 ~~((3))~~ (b) Structures housing equipment used in the operation shall be located at
4924 least one-hundred feet from adjacent properties with residential or rural area zoning;

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4925 ~~((4))~~ (c) Deliveries and customer visits shall be limited to ~~((the hours of))~~ 8:00
 4926 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

4927 ~~((5))~~ (d) In the RA zone, the facility's driveway shall have adequate entering
 4928 sight distance required by the 2007 King County Road Design and Construction Standards.
 4929 An adequate turn around shall be provided on-site to prevent vehicles from backing out on
 4930 to the roadway that the driveway accesses; and

4931 ~~((6))~~ (e) Outside lighting is limited to avoid off-site glare; and

4932 b. SIC Industry No. 2411-Logging.

4933 19. Limited to manufacture of custom made wood furniture or cabinets.

4934 20.a. Only allowed on lots of at least four and one-half acres;

4935 b. Only as an accessory use to a Washington state Liquor ~~((Control))~~ and
 4936 Cannabis Board licensed ~~((marijuana))~~ cannabis production facility on the same lot;

4937 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

4938 d. Only with documentation that the operator has applied for a Puget Sound
 4939 Clean Air Agency Notice of Construction Permit. All department permits issued to either
 4940 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
 4941 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
 4942 ~~((marijuana))~~ cannabis products are imported onto the site; and

4943 e. Accessory ~~((marijuana))~~ cannabis processing uses allowed under this section
 4944 are subject to all limitations applicable to ~~((marijuana))~~ cannabis production uses under
 4945 K.C.C. 21A.08.090.

4946 21.a. Only in the CB and RB zones located outside the urban growth area;

4947 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

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4948 c. Only with documentation that the operator has applied for a Puget Sound Clean
4949 Air Agency Notice of Construction Permit. All department permits issued to either
4950 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
4951 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4952 ~~((marijuana))~~ cannabis products are imported onto the site;

4953 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
4954 support of, processing ~~((marijuana))~~ cannabis together with any separately authorized
4955 production of ~~((marijuana))~~ cannabis shall be limited to a maximum of two thousand square
4956 feet; and

4957 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
4958 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-
4959 square-foot threshold area on that lot shall obtain a conditional use permit as ~~((set forth))~~
4960 required in subsection B.22. of this section.

4961 22.a. Only in the CB and RB zones located outside the urban growth area;

4962 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
4963 support of, processing ~~((marijuana))~~ cannabis together with any separately authorized
4964 production of ~~((marijuana))~~ cannabis shall be limited to a maximum of thirty thousand
4965 square feet;

4966 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

4967 d. Only with documentation that the operator has applied for a Puget Sound
4968 Clean Air Agency Notice of Construction Permit. All department permits issued to either
4969 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require

Ordinance

4970 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4971 ~~((marijuana))~~ cannabis products are imported onto the site.

4972 23.a. Only in the CB and RB zones located inside the urban growth area;

4973 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

4974 c. Only with documentation that the operator has applied for a Puget Sound Clean

4975 Air Agency Notice of Construction Permit. All department permits issued to either

4976 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require

4977 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before

4978 ~~((marijuana))~~ cannabis products are imported onto the site;

4979 d. Per lot, the aggregated total gross floor area devoted to the use of, and in

4980 support of, processing ~~((marijuana))~~ cannabis together with any separately authorized

4981 production of ~~((marijuana))~~ cannabis shall be limited to a maximum of two thousand square

4982 feet; and

4983 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every

4984 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-

4985 square-foot threshold area on that lot shall obtain a conditional use permit as ~~((set forth))~~

4986 required in subsection B.24. of this section.

4987 24.a. Only in the CB and RB zones located inside the urban growth area;

4988 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

4989 c. Only with documentation that the operator has applied for a Puget Sound Clean

4990 Air Agency Notice of Construction Permit. All department permits issued to either

4991 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require

Ordinance

4992 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
4993 ((~~marijuana~~)) cannabis products are imported onto the site; and

4994 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
4995 support of, processing ((~~marijuana~~)) cannabis together with any separately authorized
4996 production of ((~~marijuana~~)) cannabis shall be limited to a maximum of thirty thousand
4997 square feet.

4998 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

4999 b. Only with documentation that the operator has applied for a Puget Sound
5000 Clean Air Agency Notice of Construction Permit. All department permits issued to either
5001 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require
5002 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5003 ((~~marijuana~~)) cannabis products are imported onto the site; and

5004 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
5005 gross floor area devoted to, and in support of, the processing of ((~~marijuana~~)) cannabis
5006 together with any separately authorized production of ((~~marijuana~~)) cannabis.

5007 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

5008 b. Only with documentation that the operator has applied for a Puget Sound
5009 Clean Air Agency Notice of Construction Permit. All department permits issued to either
5010 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require
5011 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5012 ((~~marijuana~~)) cannabis products are imported onto the site; and

Ordinance

5013 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
5014 gross floor area devoted to, and in support of, the processing of ~~((marijuana))~~ cannabis
5015 together with any separately authorized production of ~~((marijuana))~~ cannabis.

5016 27.a. ~~((Marijuana))~~ Cannabis processors in all RA zoned areas except for Vashon-
5017 Maury Island, that do not require a conditional use permit issued by King County, that
5018 receive a Washington state Liquor and Cannabis Board license business ~~((prior to))~~ before
5019 October 1, 2016, and that King County did not object to within the Washington state Liquor
5020 and Cannabis Board ~~((marijuana))~~ cannabis license application process, shall be considered
5021 nonconforming as to subsection B.27.e. of this section, subject to the provisions of K.C.C.
5022 21A.32.020 through 21A.32.075 for nonconforming uses;

5023 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

5024 c. Only with documentation that the operator has applied for a Puget Sound Clean
5025 Air Agency Notice of Construction Permit. All department permits issued to either
5026 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
5027 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5028 ~~((marijuana))~~ cannabis products are imported onto the site;

5029 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
5030 Island;

5031 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
5032 except on Vashon-Maury Island;

5033 f. Only as an accessory use to a Washington state Liquor Cannabis Board
5034 licensed ~~((marijuana))~~ cannabis production facility on the same lot; and

5035 g. Accessory (~~(marijuana)~~) cannabis processing uses allowed under this section
5036 are subject to all limitations applicable to (~~(marijuana)~~) cannabis production uses under
5037 K.C.C. 21A.08.090.

5038 28. If the food and kindred products manufacturing or processing is associated
5039 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

5040 29.a. Tasting and retail sales of products produced on-site, and merchandise related
5041 to the products produced on-site, may be provided in accordance with state law;

5042 b. Structures and parking areas for winery, brewery, distillery facility uses shall
5043 maintain a minimum distance of seventy-five feet from interior property lines adjoining
5044 rural area and residential zones, unless located in a building designated as historic resource
5045 under K.C.C. chapter 20.62;

5046 c. For winery, brewery, distillery facility uses that do not require a conditional use
5047 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
5048 one space per fifty square feet of tasting and retail areas. For winery, brewery, distillery
5049 facility uses that do require a conditional use permit, off-street parking maximums shall be
5050 determined through the conditional use permit process, and off-street parking for the tasting
5051 and retail areas should be limited to a maximum of one space per fifty square feet of tasting
5052 and retail areas;

5053 d. The business operator shall obtain an adult beverage business license in
5054 accordance with K.C.C. chapter 6.74; and

5055 e. Events may be allowed with an approved temporary use permit under K.C.C.
5056 chapter 21A.32.

5057 30.a. Only allowed on lots of at least two and one-half acres;

5058 b. The aggregated floor area of structures and areas for winery, brewery, distillery
5059 facility uses shall not exceed three thousand five hundred square feet, unless located in
5060 whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in
5061 which case the aggregated floor area of structures and areas devoted to winery, brewery,
5062 distillery facility uses shall not exceed five thousand square feet. Decks that are not
5063 occupied and not open to the public are excluded from the calculation for maximum
5064 aggregated floor area;

5065 c. Structures and parking areas for winery, brewery, distillery facility uses shall
5066 maintain a minimum distance of seventy-five feet from interior property lines adjoining
5067 rural area and residential zones, unless located in a building designated as historic resource
5068 under K.C.C. chapter 20.62;

5069 d. Tasting and retail sales of products produced on-site may only occur as
5070 accessory to the primary winery, brewery, distillery production use and may be provided in
5071 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited
5072 to no more than thirty percent of the aggregated floor area and shall be included in the
5073 aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales
5074 of merchandise related to the products produced on-site is allowed subject to the restrictions
5075 described in this subsection. Hours of operation for on-site tasting of products shall be
5076 limited as follows: Mondays, Tuesdays, Wednesdays, and Thursdays, tasting room hours
5077 shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays, and Sundays,
5078 tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

5079 e. Access to the site shall be directly to and from a public roadway;

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5080 f. Off-street parking is limited to a maximum of one hundred fifty percent of the
5081 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

5082 g. The business operator shall obtain an adult beverage business license in
5083 accordance with K.C.C. chapter 6.74;

5084 h. Events may be allowed with an approved temporary use permit under K.C.C.
5085 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;

5086 i. At least two stages of production of wine, beer, cider, or distilled spirits, such as
5087 crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
5088 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
5089 least one of the stages of production occurring on-site shall include crushing, fermenting, or
5090 distilling; and

5091 j. The impervious surface associated with the winery, brewery, distillery facility
5092 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for
5093 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

5094 31.a. Limited to businesses with non-retail brewery and distillery production
5095 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
5096 tasting rooms for wineries shall not be allowed;

5097 b. Tasting and retail sale of products produced on-site and merchandise related to
5098 the products produced on-site may be provided in accordance with state law. The area
5099 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square
5100 feet;

5101 c. Structures and parking areas for brewery and distillery facility uses shall
5102 maintain a minimum distance of seventy-five feet from interior property lines adjoining

Ordinance

5103 rural area and residential zones, unless located in a building designated as historic resource
5104 under K.C.C. chapter 20.62;

5105 d. For brewery and distillery facility uses that do not require a conditional use
5106 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
5107 one space per fifty square feet of tasting and retail areas. For brewery and distillery facility
5108 uses that do require a conditional use permit, off-street parking maximums shall be
5109 determined through the conditional use permit process, and off-street parking for the tasting
5110 and retail areas should be limited to a maximum of one space per fifty square feet of tasting
5111 and retail areas;

5112 e. The business operator shall obtain an adult beverage business license in
5113 accordance with K.C.C. chapter 6.74; and

5114 f. Events may be allowed with an approved temporary use permit under K.C.C.
5115 chapter 21A.32.

5116 32.a. The aggregated floor area of structures and areas for winery, brewery,
5117 distillery facility uses shall not exceed one thousand five hundred square feet;

5118 b. Structures and parking areas for winery, brewery, distillery facility uses shall
5119 maintain a minimum distance of seventy-five feet from interior property lines adjoining
5120 rural area and residential zones, unless located in a building designated as historic resource
5121 under K.C.C. chapter 20.62;

5122 c. One on-site parking stall shall be allowed for the winery, brewery, distillery
5123 facility I use;

5124 d. The business operator shall obtain an adult beverage business license in
5125 accordance with K.C.C. chapter 6.74;

Ordinance

5126 e. At least two stages of production of wine, beer, cider, or distilled spirits, such
 5127 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
 5128 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
 5129 least one of the stages of production occurring on-site shall include crushing, fermenting, or
 5130 distilling;

5131 f. No product tasting or retail sales shall be allowed on-site;

5132 g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

5133 h. The impervious surface associated with the winery, brewery, distillery facility
 5134 use shall not exceed twenty-five percent of the site or the maximum impervious surface for
 5135 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

5136 33. Except leather tanning and finishing.

5137 34. Except gasoline powered motorcycles.

5138 SECTION 108. Ordinance 10870, Section 336, as amended, and K.C.C.

5139 21A.08.090 are hereby amended to read as follows:

5140 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M		RA	UR	R1- 8	R12 -48	NB	CB	RB	O
SIC#	SPECIFIC LAND USE												
12	Coal Mining												
13	Oil and Gas Extraction												
	AGRICULTURE:												
01	Growing and Harvesting	P	P		P	P	P	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	P

Ordinance

	Crops												
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P24 C	P24 C		P24 C	P24 C	<u>P29</u> C30	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	
*	Agricultural Support Services	P25 C	P25 C		P26 C	P26 C	P26 C		P27 C28	P27 C28			
*	((Marijuana)) Cannabis producer	P15 C22			P16 C17					P18 C19	P18 C19		P20 C21
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	FORESTRY:												
08	Growing ((&)) and Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10, 14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P

Ordinance

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

- 5141 B. Development conditions.
- 5142 1. May be further subject to K.C.C. chapter 21A.25.
- 5143 2. Only forest research conducted within an enclosed building.
- 5144 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 5145 4. Excluding housing for agricultural workers.
- 5146 5. Limited to either maintenance or storage facilities, or both, in conjunction with
- 5147 mineral extraction or processing operation.
- 5148 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 5149 7. Only in conjunction with a mineral extraction site plan approved in accordance
- 5150 with K.C.C. chapter 21A.22.
- 5151 8. Only on the same lot or same group of lots under common ownership or
- 5152 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 5153 long-term lease, or an easement:
- 5154 a. as accessory to a primary mineral extraction use;
- 5155 b. as a continuation of a mineral processing only for that period to complete
- 5156 delivery of products or projects under contract at the end of a mineral extraction; or
- 5157 c. for a public works project under a temporary grading permit issued in
- 5158 accordance with K.C.C. 16.82.152.
- 5159 9. Limited to mineral extraction and processing:

Ordinance

- 5160 a. on a lot or group of lots under common ownership or documented legal
5161 control, which includes, but is not limited to, fee simple ownership, a long-term lease, or an
5162 easement;
- 5163 b. that are located greater than one-quarter mile from an established residence;
5164 and
- 5165 c. that do not use local access streets that abut lots developed for residential use.
- 5166 10. Agriculture training facilities are allowed only as an accessory to existing
5167 agricultural uses and are subject to the following conditions:
- 5168 a. The impervious surface associated with the agriculture training facilities shall
5169 comprise not more than ten percent of the allowable impervious surface permitted under
5170 K.C.C. 21A.12.040;
- 5171 b. New or the expansion of existing structures, or other site improvements, shall
5172 not be located on class 1, 2, or 3 soils;
- 5173 c. The director may require reuse of surplus structures to the maximum extent
5174 practical;
- 5175 d. The director may require the clustering of new structures with existing
5176 structures;
- 5177 e. New structures or other site improvements shall be set back a minimum
5178 distance of seventy-five feet from property lines adjoining rural area and residential zones;
- 5179 f. Bulk and design of structures shall be compatible with the architectural style of
5180 the surrounding agricultural community;
- 5181 g. New sewers shall not be extended to the site;

5182 h. Traffic generated shall not impede the safe and efficient movement of
5183 agricultural vehicles, nor shall it require capacity improvements to rural roads;

5184 i. Agriculture training facilities may be used to provide educational services to the
5185 surrounding rural/agricultural community or for community events. Property owners may be
5186 required to obtain a temporary use permit for community events in accordance with K.C.C.
5187 chapter 21A.32;

5188 j. Use of lodging and food service facilities shall be limited only to activities
5189 conducted in conjunction with training and education programs or community events held
5190 on site;

5191 k. Incidental uses, such as office and storage, shall be limited to those that
5192 directly support education and training activities or farm operations; and

5193 l. The King County agriculture commission shall be notified of and have an
5194 opportunity to comment upon all proposed agriculture training facilities during the permit
5195 process in accordance with K.C.C. chapter 21A.40.

5196 11. Continuation of mineral processing and asphalt/concrete mixtures and block
5197 uses after reclamation in accordance with an approved reclamation plan.

5198 12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented
5199 activities. In addition, activities that place minimal stress on the site's agricultural resources
5200 or activities that are compatible with agriculture are permitted.

5201 (1) passive recreation;

5202 (2) training of individuals who will work at the camp;

5203 (3) special events for families of the campers; and

5204 (4) agriculture education for youth.

Ordinance

5205 b. Outside the camp center, as provided for in subsection B.12.e. of this section,
5206 camp activities shall not preclude the use of the site for agriculture and agricultural related
5207 activities, such as the processing of local food to create value-added products and the
5208 refrigeration and storage of local agricultural products. The camp shall be managed to
5209 coexist with agriculture and agricultural activities both onsite and in the surrounding area.

5210 c. A farm plan shall be required for commercial agricultural production to ensure
5211 adherence to best management practices and soil conservation.

5212 d.(1) The minimum site area shall be five hundred acres. Unless the property
5213 owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of
5214 this section, a minimum of five hundred acres of the site must be owned by a single
5215 individual, corporation, partnership, or other legal entity and must remain under the
5216 ownership of a single individual, corporation, partnership, or other legal entity for the
5217 duration of the operation of the camp.

5218 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner
5219 from selling or transferring the development rights for a portion or all of the site to the King
5220 County farmland preservation program or, if the development rights are extinguished as part
5221 of the sale or transfer, to a nonprofit entity approved by the director;

5222 e. The impervious surface associated with the camp shall comprise not more than
5223 ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

5224 f. Structures for living quarters, dining facilities, medical facilities, and other
5225 nonagricultural camp activities shall be located in a camp center. The camp center shall be
5226 no more than fifty acres and shall be depicted on a site plan. New structures for nonagricultural
5227 camp activities shall be clustered with existing structures;

Ordinance

5228 g. To the extent practicable, existing structures shall be reused. The applicant
5229 shall demonstrate to the director that a new structure for nonagricultural camp activities
5230 cannot be practicably accommodated within an existing structure on the site, though cabins
5231 for campers shall be permitted only if they do not already exist on site;

5232 h. Camp facilities may be used to provide agricultural educational services to the
5233 surrounding rural and agricultural community or for community events. If required by
5234 K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
5235 community events;

5236 i. Lodging and food service facilities shall only be used for activities related to
5237 the camp or for agricultural education programs or community events held on site;

5238 j. Incidental uses, such as office and storage, shall be limited to those that directly
5239 support camp activities, farm operations, or agricultural education programs;

5240 k. New nonagricultural camp structures and site improvements shall maintain a
5241 minimum set-back of seventy-five feet from property lines adjoining rural area and
5242 residential zones;

5243 l. Except for legal nonconforming structures existing as of January 1, 2007, camp
5244 facilities, such as a medical station, food service hall, and activity rooms, shall be of a scale
5245 to serve overnight camp users;

5246 m. Landscaping equivalent to a type III landscaping screen, as provided for in
5247 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
5248 and site improvements located within two hundred feet of an adjacent rural area and
5249 residential zoned property not associated with the camp;

5250 n. New sewers shall not be extended to the site;

Ordinance

5251 o. The total number of persons staying overnight shall not exceed three hundred;

5252 p. The length of stay for any individual overnight camper, not including camp
5253 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

5254 q. Traffic generated by camp activities shall not impede the safe and efficient
5255 movement of agricultural vehicles nor shall it require capacity improvements to rural roads;

5256 r. If the site is adjacent to an arterial roadway, access to the site shall be directly
5257 onto the arterial unless the county road engineer determines that direct access is unsafe;

5258 s. If direct access to the site is via local access streets, transportation management
5259 measures shall be used to minimize adverse traffic impacts;

5260 t. Camp recreational activities shall not involve the use of motor vehicles unless
5261 the motor vehicles are part of an agricultural activity or are being used for the transportation
5262 of campers, camp personnel or the families of campers. Camp personnel may use motor
5263 vehicles for the operation and maintenance of the facility. Client-specific motorized
5264 personal mobility devices are allowed; and

5265 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
5266 light away from any adjacent property.

5267 13. Limited to digester receiving plant and animal and other organic waste from
5268 agricultural activities, and including electrical generation, as follows:

5269 a. the digester must be included as part of a Washington state Department of
5270 Agriculture approved dairy nutrient plan;

5271 b. the digester must process at least seventy percent livestock manure or other
5272 agricultural organic material from farms in the vicinity, by volume;

Ordinance

5273 c. imported organic waste-derived material, such as food processing waste, may
5274 be processed in the digester for the purpose of increasing methane gas production for
5275 beneficial use, but not shall exceed thirty percent of volume processed by the digester; and
5276 d. the use must be accessory to an operating dairy or livestock operation.

5277 14. Farm worker housing. Either:

5278 a. Temporary farm worker housing subject to the following conditions:

5279 (1) The housing must be licensed by the Washington state Department of
5280 Health under chapter 70.114A RCW and chapter 246-358 WAC;

5281 (2) Water supply and sewage disposal systems must be approved by ~~((the~~
5282 ~~Seattle King County department of))~~ public health – Seattle & King County;

5283 (3) To the maximum extent practical, the housing should be located on
5284 nonfarmable areas that are already disturbed and should not be located in the floodplain or
5285 in a critical area or critical area buffer; and

5286 (4) The property owner shall file with the department of executive services,
5287 records and licensing services division, a notice approved by the department identifying the
5288 housing as temporary farm worker housing and that the housing shall be occupied only by
5289 agricultural employees and their families while employed by the owner or operator or on a
5290 nearby farm. The notice shall run with the land; or

5291 b. Housing for agricultural employees who are employed by the owner or
5292 operator of the farm year-round as follows:

5293 (1) Not more than:

5294 (a) one agricultural employee dwelling unit on a site less than twenty acres;

Ordinance

5295 (b) two agricultural employee dwelling units on a site of at least twenty acres
5296 and less than fifty acres;

5297 (c) three agricultural employee dwelling units on a site of at least fifty acres
5298 and less than one-hundred acres; and

5299 (d) four agricultural employee dwelling units on a site of at least one-hundred
5300 acres, and one additional agricultural employee dwelling unit for each additional one
5301 hundred acres thereafter;

5302 (2) If the primary use of the site changes to a nonagricultural use, all agricultural
5303 employee dwelling units shall be removed;

5304 (3) The applicant shall file with the department of executive services, records
5305 and licensing services division, a notice approved by the department that identifies the
5306 agricultural employee dwelling units as accessory and that the dwelling units shall only be
5307 occupied by agricultural employees who are employed by the owner or operator year-round.
5308 The notice shall run with the land. The applicant shall submit to the department proof that
5309 the notice was filed with the department of executive services, records and licensing services
5310 division, before the department approves any permit for the construction of agricultural
5311 employee dwelling units;

5312 (4) An agricultural employee dwelling unit shall not exceed a floor area of one
5313 thousand square feet and may be occupied by no more than eight unrelated agricultural
5314 employees;

5315 (5) To the maximum extent practical, the housing should be located on
5316 nonfarmable areas that are already disturbed;

Ordinance

5317 (6) One off-street parking space shall be provided for each agricultural
5318 employee dwelling unit; and

5319 (7) The agricultural employee dwelling units shall be constructed in compliance
5320 with K.C.C. Title 16.

5321 15. ((Marijuana)) Cannabis production by ((marijuana)) cannabis producers
5322 licensed by the Washington state Liquor and Cannabis Board is subject to the following
5323 standards:

5324 a. Only allowed on lots of at least four and one-half acres;

5325 b. With a lighting plan, only if required by and that complies with K.C.C.
5326 21A.12.220.G.;

5327 c. Only with documentation that the operator has applied for a Puget Sound Clean
5328 Air Agency Notice of Construction Permit. All department permits issued to either
5329 ((marijuana)) cannabis producers or ((marijuana)) cannabis processors, or both, shall require
5330 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5331 ((marijuana)) cannabis products are imported onto the site;

5332 d. Production is limited to outdoor, indoor within ((marijuana)) cannabis
5333 greenhouses, and within structures that are nondwelling unit structures that exist as of
5334 October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;

5335 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
5336 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
5337 aggregated total of two thousand square feet and shall be located within a fenced area or
5338 ((marijuana)) cannabis greenhouse that is no more than ten percent larger than that
5339 combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

Ordinance

5340 f. Outdoor production area fencing as required by the Washington state Liquor
5341 and Cannabis Board, (~~marijuana~~) cannabis greenhouses and nondwelling unit structures
5342 shall maintain a minimum street setback of fifty feet and a minimum interior setback of
5343 thirty feet; and

5344 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
5345 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
5346 (~~marijuana~~) cannabis-related entity occupying space in addition to the two-thousand-
5347 square-foot threshold area on that lot shall obtain a conditional use permit as (~~set forth~~)
5348 required in subsection B.22. of this section.

5349 16. (~~Marijuana~~) Cannabis production by (~~marijuana~~) cannabis producers
5350 licensed by the Washington state Liquor and Cannabis Board is subject to the following
5351 standards:

5352 a. (~~Marijuana~~) Cannabis producers in all RA zoned areas except for Vashon-
5353 Maury Island, that do not require a conditional use permit issued by King County, that
5354 receive a Washington state Liquor and Cannabis Board license business before October 1,
5355 2016, and that King County did not object to within the Washington state Liquor and
5356 Cannabis Board (~~marijuana~~) cannabis license application process, shall be considered
5357 nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of
5358 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

5359 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
5360 21A.12.220.G.;

5361 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
5362 Island;

Ordinance

- 5363 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
5364 except on Vashon-Maury Island;
- 5365 e. Only with documentation that the operator has applied for a Puget Sound Clean
5366 Air Agency Notice of Construction Permit. All department permits issued to either
5367 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
5368 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5369 ~~((marijuana))~~ cannabis products are imported onto the site;
- 5370 f. Production is limited to outdoor, indoor within ~~((marijuana))~~ cannabis
5371 greenhouses, and within nondwelling unit structures that exist as of October 1, 2013, subject
5372 to the size limitations in subsection B.16.g. of this section; and
- 5373 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
5374 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
5375 aggregated total of two thousand square feet and shall be located within a fenced area or
5376 ~~((marijuana))~~ cannabis greenhouse, that is no more than ten percent larger than that
5377 combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;
- 5378 h. Outdoor production area fencing as required by the Washington state Liquor
5379 and Cannabis Board and ~~((marijuana))~~ cannabis greenhouses shall maintain a minimum
5380 street setback of fifty feet and a minimum interior setback of one hundred feet; and a
5381 minimum setback of one hundred fifty feet from any existing residence; and
- 5382 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within fenced
5383 areas or ~~((marijuana))~~ cannabis greenhouses is exceeded, each and every ~~((marijuana))~~
5384 cannabis-related entity occupying space in addition to the two-thousand-square-foot

Ordinance

5385 threshold area on that lot shall obtain a conditional use permit as ~~((set forth))~~ required in
5386 subsection B.17. of this section.

5387 17. ~~((Marijuana))~~ Cannabis production by ~~((marijuana))~~ cannabis producers
5388 licensed by the Washington state Liquor and Cannabis Board is subject to the following
5389 standards:

5390 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
5391 Island;

5392 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
5393 except on Vashon-Maury Island;

5394 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
5395 21A.12.220.G.;

5396 d. Only with documentation that the operator has applied for a Puget Sound
5397 Clean Air Agency Notice of Construction Permit. All department permits issued to either
5398 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
5399 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5400 ~~((marijuana))~~ cannabis products are imported onto the site;

5401 e. Production is limited to outdoor and indoor within ~~((marijuana))~~ cannabis
5402 greenhouses subject to the size limitations in subsection B.17.f. of this section;

5403 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
5404 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
5405 aggregated total of thirty thousand square feet and shall be located within a fenced area or
5406 ~~((marijuana))~~ cannabis greenhouse that is no more than ten percent larger than that
5407 combined area; and

Ordinance

5408 g. Outdoor production area fencing as required by the Washington state Liquor
5409 and Cannabis Board, and ~~((marijuana))~~ cannabis greenhouses shall maintain a minimum
5410 street setback of fifty feet and a minimum interior setback of one hundred feet, and a
5411 minimum setback of one hundred fifty feet from any existing residence.

5412 18.a. Production is limited to indoor only;

5413 b. With a lighting plan only as required by and that complies with K.C.C.
5414 21A.12.220.G.;

5415 c. Only with documentation that the operator has applied for a Puget Sound Clean
5416 Air Agency Notice of Construction Permit. All department permits issued to either
5417 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
5418 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5419 ~~((marijuana))~~ cannabis products are imported onto the site; and

5420 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
5421 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
5422 aggregated total of two thousand square feet and shall be located within a building or tenant
5423 space that is no more than ten percent larger than the plant canopy and separately authorized
5424 processing area; and

5425 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
5426 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-
5427 square foot threshold area on that parcel shall obtain a conditional use permit as ~~((set forth))~~
5428 required in subsection B.19. of this section.

5429 19.a. Production is limited to indoor only;

Ordinance

- 5430 b. With a lighting plan only as required by and that complies with K.C.C.
5431 21A.12.220.G.;
- 5432 c. Only with documentation that the operator has applied for a Puget Sound Clean
5433 Air Agency Notice of Construction Permit. All department permits issued to either
5434 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
5435 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5436 ~~((marijuana))~~ cannabis products are imported onto the site; and
- 5437 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
5438 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
5439 aggregated total of thirty thousand square feet and shall be located within a building or
5440 tenant space that is no more than ten percent larger than the plant canopy and separately
5441 authorized processing area.
- 5442 20.a. Production is limited to indoor only;
- 5443 b. With a lighting plan only as required by and that complies with K.C.C.
5444 21A.12.220.G.;
- 5445 c. Only with documentation that the operator has applied for a Puget Sound Clean
5446 Air Agency Notice of Construction Permit. All department permits issued to either
5447 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
5448 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5449 ~~((marijuana))~~ cannabis products are imported onto the site;
- 5450 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
5451 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
5452 aggregated total of two thousand square feet and shall be located within a building or tenant
-

Ordinance

5453 space that is no more than ten percent larger than the plant canopy and separately authorized
5454 processing area; and

5455 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every
5456 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-
5457 square-foot threshold area on that lot shall obtain a conditional use permit as ~~((set forth))~~
5458 required in subsection B.21. of this section.

5459 21.a. Production is limited to indoor only;

5460 b. With a lighting plan only as required by and that complies with K.C.C.
5461 21A.12.220.G.;

5462 c. Only with documentation that the operator has applied for a Puget Sound Clean
5463 Air Agency Notice of Construction Permit. All department permits issued to either
5464 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
5465 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5466 ~~((marijuana))~~ cannabis products are imported onto the site; and

5467 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any
5468 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
5469 aggregated total of thirty thousand square feet and shall be located within a building or
5470 tenant space that is no more than ten percent larger than the plant canopy and separately
5471 authorized processing area.

5472 22. ~~((Marijuana))~~ Cannabis production by ~~((marijuana))~~ cannabis producers
5473 licensed by the Washington state Liquor and Cannabis Board is subject to the following
5474 standards:

Ordinance

- 5475 a. With a lighting plan only as required by and that complies with K.C.C.
5476 21A.12.220.G.;
- 5477 b. Only allowed on lots of at least four and one-half acres;
- 5478 c. Only with documentation that the operator has applied for a Puget Sound Clean
5479 Air Agency Notice of Construction Permit. All department permits issued to either
5480 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require
5481 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before
5482 ~~((marijuana))~~ cannabis products are imported onto the site;
- 5483 d. Production is limited to outdoor, indoor within ~~((marijuana))~~ cannabis
5484 greenhouses, and within structures that are nondwelling unit structures that exist as of
5485 October 1, 2013, subject to the size limitations in subsection B.22. e. and f. of this section;
- 5486 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-
5487 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
5488 limited to a maximum aggregated total of five thousand square feet and shall be located
5489 within a fenced area or ~~((marijuana))~~ cannabis greenhouse that is no more than ten percent
5490 larger than that combined area, or may occur in nondwelling unit structures that exist as of
5491 October 1, 2013;
- 5492 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-55-
5493 010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited
5494 to a maximum aggregated total of ten thousand square feet, and shall be located within a
5495 fenced area or ~~marijuana~~ ~~((marijuana))~~ cannabis that is no more than ten percent larger than
5496 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
5497 2013; and
-

5498 g. Outdoor production area fencing as required by the Washington state Liquor
5499 and Cannabis Board, (~~(marijuana)~~) cannabis greenhouses and nondwelling unit structures
5500 shall maintain a minimum street setback of fifty feet and a minimum interior setback of one
5501 hundred feet, and a minimum setback of one hundred fifty feet from any existing residence.

5502 23. The storage and processing of (~~(non-manufactured)~~) nonmanufactured source
5503 separated organic waste that originates from agricultural operations and that does not
5504 originate from the site, if:

5505 a. agricultural is the primary use of the site;

5506 b. the storage and processing are in accordance with best management practices
5507 included in an approved farm plan; and

5508 c. except for areas used for manure storage, the areas used for storage and
5509 processing do not exceed three acres and ten percent of the site.

5510 24.a. For activities relating to the processing of crops or livestock for commercial
5511 purposes, including associated activities such as warehousing, storage, including
5512 refrigeration, and other similar activities and excluding winery, brewery, distillery facility I,
5513 II, III and remote tasting room:

5514 (1) limited to agricultural products and sixty percent or more of the products
5515 processed must be grown in the Puget Sound counties. At the time of initial application, the
5516 applicant shall submit a projection of the source of products to be produced;

5517 (2) in the RA and UR zones, only allowed on sites of at least four and one-half
5518 acres;

5519 (3)(a) as a permitted use, the floor area devoted to all processing shall not
5520 exceed two thousand square feet, unless located in a building designated as an historic

Ordinance

5521 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
5522 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
5523 floor area as follows: up to three thousand five hundred square feet of floor area may be
5524 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
5525 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the
5526 A zone; and

5527 (b) as a permitted use, the floor area devoted to all warehousing, refrigeration,
5528 storage, or other similar activities shall not exceed two thousand square feet, unless located
5529 in a building designated as historic resource under K.C.C. chapter 20.62. The agricultural
5530 technical review committee, as established in K.C.C. 21A.42.300, may review and approve
5531 an increase of up to three thousand five hundred square feet of floor area devoted to all
5532 ~~((warehousing))~~ warehousing, storage, including refrigeration, or other similar activities in
5533 the RA zones or on farms less than thirty-five acres located in the A zones or up to seven
5534 thousand square feet on farms greater than thirty-five acres in the A zone;

5535 (4) in the A zone, structures and areas used for processing, warehousing,
5536 ~~((refrigeration))~~ refrigeration, storage, and other similar activities shall be located on portions
5537 of agricultural lands that are unsuitable for other agricultural purposes, such as areas within
5538 the already developed portion of such agricultural lands that are not available for direct
5539 agricultural production, or areas without prime agricultural soils; and

5540 (5) structures and areas used for processing, warehousing, storage, including
5541 refrigeration, and other similar activities shall maintain a minimum distance of seventy-five
5542 feet from property lines adjoining rural area and residential zones, unless located in a
5543 building designated as historic resource under K.C.C. chapter 20.62.

Ordinance

- 5544 b. For activities relating to the retail sale of agricultural products, except
5545 livestock:
- 5546 (1) sales shall be limited to agricultural products and locally made arts and
5547 crafts;
- 5548 (2) in the RA and UR zones, only allowed on sites at least four and one-half
5549 acres;
- 5550 (3) as a permitted use, the covered sales area shall not exceed two thousand
5551 square feet, unless located in a building designated as a historic resource under K.C.C.
5552 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
5553 21A.42.300, may review and approve an increase of up to three thousand five hundred
5554 square feet of covered sales area;
- 5555 (4) forty percent or more of the gross sales of agricultural product sold
5556 through the store must be sold by the producers of primary agricultural products;
- 5557 (5) sixty percent or more of the gross sales of agricultural products sold
5558 through the store shall be derived from products grown or produced in the Puget Sound
5559 counties. At the time of the initial application, the applicant shall submit a reasonable
5560 projection of the source of product sales;
- 5561 (6) tasting of products, in accordance with applicable health regulations, is
5562 allowed;
- 5563 (7) storage areas for agricultural products may be included in a farm store
5564 structure or in any accessory building; and
- 5565 (8) outside lighting is permitted if there is no off-site glare.
- 5566 c. Retail sales of livestock is permitted only as accessory to raising livestock.

Ordinance

5567 d. Farm operations, including equipment repair and related facilities, except
5568 that:

5569 (1) the repair of tools and machinery is limited to those necessary for the
5570 operation of a farm or forest;

5571 (2) in the RA and UR zones, only allowed on sites of at least four and one-
5572 half acres;

5573 (3) the size of the total repair use is limited to one percent of the farm size in
5574 the A zone, and up to one percent of the size in other zones, up to a maximum of five
5575 thousand square feet unless located within an existing farm structure, including, but not
5576 limited to, barns, existing as of December 31, 2003; and

5577 (4) Equipment repair shall not be permitted in the Forest zone.

5578 e. The agricultural technical review committee, as established in K.C.C.
5579 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
5580 residential zones and minimum setbacks from rural and residential zones.

5581 25. The department may review and approve establishment of agricultural support
5582 services in accordance with the code compliance review process in K.C.C. 21A.42.300 only
5583 if:

5584 a. project is sited on lands that are unsuitable for direct agricultural production
5585 based on size, soil conditions, or other factors and cannot be returned to productivity by
5586 drainage maintenance; and

5587 b. the proposed use is allowed under any Farmland Preservation Program
5588 conservation easement and zoning development standards.

Ordinance

- 5589 26. The agricultural technical review committee, as established in K.C.C.
5590 21A.42.300, may review and approve establishment of agricultural support services only if
5591 the project site:
- 5592 a. adjoins or is within six hundred sixty feet of the agricultural production district;
 - 5593 b. has direct vehicular access to the agricultural production district;
 - 5594 c. except for farmworker housing, does not use local access streets that abut lots
5595 developed for residential use; and
 - 5596 ~~((b-))~~ d. has a minimum lot size of four and one-half acres.
- 5597 27. The agricultural technical review committee, as established in K.C.C.
5598 21A.42.300, may review and approve establishment of agricultural support services only if
5599 the project site:
- 5600 a. is outside the urban growth area~~((;))~~;
 - 5601 b. adjoins or is within six hundred sixty feet of the agricultural production
5602 district~~((;))~~;
 - 5603 c. has direct vehicular access to the agricultural production district~~((;))~~;
 - 5604 d. except for farmworker housing, does not use local access streets that abut lots
5605 developed for residential use; and
 - 5606 e. has a minimum lot size of four and one-half acres.
- 5607 28. Only allowed on properties that are outside the urban growth area.
- 5608 29.a. Either as a permitted use or an accessory use, if:
- 5609 (1) An accessory use does not exceed four thousand square feet; and
 - 5610 (2) In the R-1 zone, on properties with existing tree clearing on at least seventy-
5611 five percent of the property;

Ordinance

5612 b. A sufficient water supply shall be available to support cultivation practices
5613 on site;

5614 c. The site shall be designed and maintained to prevent water and fertilizer
5615 runoff onto adjacent properties;

5616 d. Compost materials shall be stored at least twenty feet from interior lot lines
5617 and in a manner that minimizes odors and is not visible from adjacent properties;

5618 e. A farm management plan is required;

5619 f. Raising livestock and small animals is not permitted; and

5620 g. In the R-1 through R-48 zones:

5621 (1) Only mechanical equipment designed for household use may be used;

5622 (2) Retail sales and all other public use shall begin no earlier than 7:00 a.m.

5623 and end by 7:00 p.m.;

5624 (3) Commercial deliveries and pickups are limited to one per day. On-site

5625 sales are not considered commercial pickups;

5626 (4) No more than two motor vehicles, each with a gross vehicle weight of ten

5627 thousand pounds or less;

5628 (5) One identification sign is permitted, not exceeding sixty-four square

5629 inches in area;

5630 (6) Structures accessory to agricultural activities shall be limited to raised

5631 garden beds, greenhouses, hoop houses, storage sheds, cold frames, and rain barrel

5632 systems; and

5633 (7) On a lot with no principal structure:

Ordinance

5634 (a) The total gross floor area of all structures may not exceed one thousand
 5635 square feet;

5636 (b) Structures may not exceed twelve feet in height, including any pitched
 5637 roof; and

5638 (c) Structures are also subject to the development standards that would apply
 5639 to an accessory structure in the zone.

5640 30. Only on properties twenty acres or more in size in the R-1 zone, if:

5641 a. On properties with existing tree clearing on at least seventy-five percent of
 5642 the property;

5643 b. A sufficient water supply is available to support cultivation practices on site;

5644 c. The site is designed and maintained to prevent water and fertilizer runoff
 5645 onto adjacent properties;

5646 d. Compost materials are stored at least twenty feet from interior lot lines and
 5647 in a manner that minimizes odors and is not visible from adjacent properties;

5648 e. There is an approved farm management plan for the site;

5649 f. No raising livestock and small animals are present; and

5650 g. Approved by a conditional use permit, with additional conditions, as
 5651 appropriate, to limit and mitigate impacts on surrounding residential areas.

5652 SECTION 109. Ordinance 10870, Section 337, as amended, and K.C.C.

5653 21A.08.100 are hereby amended to read as follows:

5654 A. Regional land uses.

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

Ordinance

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				C30 S30								
*	Non-hydroelectric Generation Facility	C12 S29	C12 S29	C12 S28	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
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water	S	P13 S	S	S	S	S	S	S	S	S	S	S

Ordinance

	Production												
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance Facility				C23								P
*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort Facility				P26		P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221-8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

5655

B. Development conditions.

5656

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

5657

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

5658

2. Except arboretum. See K.C.C. 21A.08.040, (~~recreation~~) recreational and

5659

cultural land use table.

Ordinance

- 5660 3. Except weapons armories and outdoor shooting ranges.
- 5661 4. Except outdoor shooting range.
- 5662 5. Only in conjunction with an existing or proposed school.
- 5663 6.a. Limited to no more than three satellite dish antennae.
- 5664 b. Limited to one satellite dish antenna.
- 5665 c. Limited to tower consolidations.
- 5666 7. Limited to landing field for aircraft involved in forestry or agricultural practices
- 5667 or for emergency landing sites.
- 5668 8. Except racing of motorized vehicles.
- 5669 9. Limited to wildlife exhibit.
- 5670 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 5671 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 5672 21A.32.
- 5673 12. Limited to gas extraction as an accessory use to a waste management process,
- 5674 such as wastewater treatment, landfill waste management, livestock manure, and
- 5675 composting processes.
- 5676 13. Excluding impoundment of water using a dam.
- 5677 14. Limited to facilities that comply with the following:
- 5678 a. Any new diversion structure shall not:
- 5679 (1) exceed a height of eight feet as measured from the streambed; or
- 5680 (2) impound more than three surface acres of water at the normal maximum
- 5681 surface level;
- 5682 b. There shall be no active storage;
-

Ordinance

5683 c. The maximum water surface area at any existing dam or diversion shall not be
5684 increased;

5685 d. An exceedance flow of no greater than fifty percent in mainstream reach shall
5686 be maintained;

5687 e. Any transmission line shall ~~((be limited to a))~~ comply with the following:

5688 (1) ~~((right-of-way))~~ be limited to right of way of five miles or less; ~~((and))~~

5689 (2) be limited to capacity of two hundred thirty KV or less; and

5690 (3) as part of an application for an addition, expansion, or upgrade of electric
5691 transmission and distribution lines, the applicant shall submit an equity impact review of the
5692 proposal using tools developed by the office of equity and racial and social justice. The
5693 results from the equity impact review shall be used to assess equity impacts and
5694 opportunities during county permit review and may be used to inform determinations of
5695 project approval;

5696 f. Any new, permanent access road shall be limited to five miles or less; and

5697 g. The facility shall only be located above any portion of the stream used by
5698 anadromous fish.

5699 15. For I-zoned sites located outside the urban growth area designated by the King
5700 County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
5701 21A.08.100.A., except for ~~((waste water))~~ wastewater treatment facilities and racetracks,
5702 shall be prohibited. All other uses, including ~~((waste water))~~ wastewater treatment facilities,
5703 shall be subject to the provisions for rural industrial uses in K.C.C. ~~((chapter 21A.12))~~
5704 21A.14.280.

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5705 16. The operator of such a facility shall provide verification to the department of
5706 natural resources and parks or its successor organization that the facility meets or exceeds
5707 the standards of the Animal and Plant Health Inspection Service of the United States
5708 Department of Agriculture and the accreditation guidelines of the American Zoo and
5709 Aquarium Association.

5710 17. The following provisions of the table apply only to major communication
5711 facilities. Minor communication facilities shall be reviewed in accordance with the
5712 processes and standard outlined in K.C.C. chapter 21A.27.

5713 18. Only for facilities related to resource-based research.

5714 19. Limited to work release facilities associated with natural resource-based
5715 activities.

5716 20. Limited to projects (~~(which)~~) that do not require or result in an expansion of
5717 sewer service outside the urban growth area, unless a finding is made that no cost-effective
5718 alternative technologies are feasible, in which case a tightline sewer sized only to meet the
5719 needs of the school bus base and serving only the school bus base may be used. Renovation,
5720 expansion, modernization, or reconstruction of a school bus base is permitted but shall not
5721 require or result in an expansion of sewer service outside the urban growth area, unless a
5722 finding is made that no cost-effective alternative technologies are feasible, in which case a
5723 tightline sewer sized only to meet the needs of the school bus base.

5724 21. Only in conformance with the King County Site Development Plan Report,
5725 through modifications to the plan of up to ten percent are allowed for the following:

- 5726 a. building square footage;
- 5727 b. landscaping;

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- 5728 c. parking;
- 5729 d. building height; or
- 5730 e. impervious surface.
- 5731 22. A special use permit shall be required for any modification or expansion of the
- 5732 King County fairgrounds facility that is not in conformance with the King County Site
- 5733 Development Plan Report or that exceeds the allowed modifications to the plan identified in
- 5734 subsection B.21. of this section.
- 5735 23. The facility shall be primarily devoted to rural public infrastructure
- 5736 maintenance and is subject to the following conditions:
- 5737 a. The minimum site area shall be ten acres, unless:
- 5738 (1) the facility is a reuse of a public agency yard; or
- 5739 (2) the site is separated from a county park by a street or utility (~~right of way~~)
- 5740 right of way;
- 5741 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
- 5742 between any stockpiling or grinding operations and adjacent residential zoned property;
- 5743 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
- 5744 between any office and parking lots and adjacent residential zoned property;
- 5745 d. Access to the site does not use local access streets that abut residential zoned
- 5746 property, unless the facility is a reuse of a public agency yard;
- 5747 e. Structural setbacks from property lines shall be as follows:
- 5748 (1) Buildings, structures, and stockpiles used in the processing of materials shall
- 5749 be no closer than:

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5750 (a) one hundred feet from any residential zoned properties, except that the
5751 setback may be reduced to fifty feet when the grade where the building or structures are
5752 proposed is fifty feet or greater below the grade of the residential zoned property;

5753 (b) fifty feet from any other zoned property, except when adjacent to a mineral
5754 extraction or materials processing site;

5755 (c) the greater of fifty feet from the edge of any public street or the setback
5756 from residential zoned property on the far side of the street; and

5757 (2) Offices, scale facilities, equipment storage buildings, and stockpiles shall not
5758 be closer than fifty feet from any property line except when adjacent to M or F zoned
5759 property or when a reuse of an existing building. Facilities necessary to control access to the
5760 site, when demonstrated to have no practical alternative, may be located closer to the
5761 property line;

5762 f. On-site clearing, grading, or excavation, excluding that necessary for required
5763 access, roadway, or storm drainage facility construction, shall not be permitted within fifty
5764 feet of any property line except along any portion of the perimeter adjacent to M or F zoned
5765 property. If native vegetation is restored, temporary disturbance resulting from construction
5766 of noise attenuation features located closer than fifty feet shall be permitted; and

5767 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

5768 24. The following accessory uses to a motor race track operation are allowed if
5769 approved as part of the special use permit:

5770 a. motocross;

5771 b. autocross;

5772 c. skidpad;

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- 5773 d. garage;
- 5774 e. driving school; and
- 5775 f. fire station.
- 5776 25. Regional transit authority facilities shall be exempt from setback and height
- 5777 requirements.
- 5778 26. Transit comfort facility shall:
- 5779 a. only be located outside of the urban growth area boundary;
- 5780 b. be exempt from street setback requirements; and
- 5781 c. be no more than ((200)) two hundred square feet in size.
- 5782 27.a. Required for all new, modified, or expanded fossil fuel facilities.
- 5783 Modification or expansion includes, but is not limited to:
- 5784 (1) new uses or fuel types within existing facilities;
- 5785 (2) changes to the type of refining, manufacturing, or processing;
- 5786 (3) changes in the methods or volumes of storage or transport of raw materials
- 5787 or processed products;
- 5788 (4) changes in the location of the facilities on-site;
- 5789 (5) replacement of existing facilities;
- 5790 (6) increases in power or water demands; or
- 5791 (7) increases in production capacity.
- 5792 b. Before filing an application with the department, the applicant shall hold a
- 5793 community meeting in accordance with K.C.C. 20.20.035.
- 5794 c. As part of permit application submittal for new, modified, or expanded fossil
- 5795 fuel facilities, the applicant shall submit the following documentation:

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- 5796 (1) an inventory of similar existing facilities in King County and neighboring
5797 counties, including their locations and capacities;
- 5798 (2) a forecast of the future needs for the facility;
- 5799 (3) an ~~((analysis of the potential social and economic impacts and benefits to~~
5800 ~~jurisdictions and local communities receiving or surrounding the facility))~~ equity impact
5801 review of the proposal using tools developed by the office of equity and racial and social
5802 justice. The results from the equity impact review shall be used to assess equity impacts and
5803 opportunities during county permit review and may be used to inform determinations of
5804 project approval;
- 5805 (4) an analysis of alternatives to the facility, including location, conservation,
5806 demand management, and other strategies;
- 5807 (5) an analysis of economic and environmental impacts, including mitigation, of
5808 any similar existing facilities and of any new site~~((s))~~ or sites under consideration as an
5809 alternative to expansion of an existing facility;
- 5810 (6) an extensive public involvement strategy ~~((which))~~ that strives to effectively
5811 engage a wide range of racial, ethnic, cultural, and ~~((socio-economic))~~ socioeconomic
5812 groups, including communities that are the most impacted; and
- 5813 (7) considered evaluation of any applicable prior review conducted by a public
5814 agency, local government or ~~((stakeholder group))~~ interested party.
- 5815 d. As part of permit application submittal, a greenhouse gas impact analysis shall
5816 be prepared by the applicant for all proposals for new, modified, or expanded fossil fuel
5817 facilities. The results of this analysis shall be used to identify and mitigate the impacts of
5818 such facilities.
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- 5819 e. New, modified, or expanded fossil fuel facilities shall:
- 5820 (1) not be located within one thousand feet from any schools, medical care
- 5821 facilities, or places of assembly that have occupancies of greater than one thousand persons;
- 5822 (2) not be located within two hundred fifty feet from a regulated wetland or
- 5823 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the
- 5824 buffer in K.C.C. chapter 21A.24 shall apply;
- 5825 (3) maintain an interior setback of at least two hundred feet;
- 5826 (4) store fossil fuels completely within enclosed structures, tanks, or similar
- 5827 facilities; and
- 5828 (5) be accessed directly to and from an arterial roadway.
- 5829 28. Limited to uses that will not convert more than two acres of farmland or
- 5830 forestland, or 2.5 percent of the farmland or forestland, whichever is less.
- 5831 29.a. Before filing an application with the department, the applicant shall hold a
- 5832 community meeting in accordance with K.C.C. 20.20.035.
- 5833 b. As part of permit application submittal for non-hydroelectric generation
- 5834 facilities, the applicant shall submit the following documentation:
- 5835 (1) an inventory of similar existing facilities in King County and neighboring
- 5836 counties, including their locations and capacities;
- 5837 (2) a report demonstrating that the facility would serve a significant portion of
- 5838 the county, metropolitan region or is part of a statewide or national system;
- 5839 (3) a forecast of the future needs for the facility;
- 5840 (4) an ~~((analysis of the potential social and economic impacts and benefits to~~
- 5841 ~~jurisdictions and local communities receiving or surrounding the facility))~~ equity impact
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5842 review of the proposal using tools developed by the office of equity and racial and social
 5843 justice. The results from the equity impact review shall be used to assess equity impacts and
 5844 opportunities during county permit review and may be used to inform determinations of
 5845 project approval;

5846 (5) an analysis of alternatives to the facility, including location, conservation,
 5847 demand management, and other strategies;

5848 (6) an analysis of economic and environmental impacts, including mitigation, of
 5849 any similar existing facilities and of any new site~~((s))~~ or sites under consideration as an
 5850 alternative to expansion of an existing facility;

5851 (7) an extensive public involvement strategy ~~((which))~~ that strives to effectively
 5852 engage a wide range of racial, ethnic, cultural, and socioeconomic groups, including
 5853 communities that are the most impacted; and

5854 (8) considered evaluation of any applicable prior review conducted by a public
 5855 agency, local government or ~~((stakeholder group))~~ interested party.

5856 c. As part of permit application submittal, a greenhouse gas impact analysis shall
 5857 be prepared by the applicant. The results of this analysis shall be used to identify and
 5858 mitigate the impacts of such facilities.

5859 30.a. For all search and rescue facilities:

5860 (1) the minimum lot size is four and one half acres;

5861 (2) structures and parking areas for search and rescue facilities shall maintain a
 5862 minimum distance of seventy-five feet from interior lot lines that adjoin rural area and
 5863 residential zones, unless located in a building designated as historic resource under K.C.C.
 5864 chapter 20.62;

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5865 (3) use of the search and rescue facility is limited to activities directly relating to
 5866 the search and rescue organization, except that the facility may be used by law enforcement
 5867 and other public emergency responders for training and operations related to search and
 5868 rescue activities; and

5869 (4) the applicant must demonstrate the absence of existing search and rescue
 5870 facilities that are adequate to conduct search and rescue operations in the rural area.

5871 b. A special use permit is required when helicopter fueling, maintenance, or
 5872 storage is proposed.

5873 SECTION 110. Ordinance 10870, Section 340, as amended, and K.C.C.

5874 21A.12.030 are hereby amended to read as follows:

5875 A. Densities and dimensions – residential and rural zones.

STANDARDS	<u>RURAL AREA</u>				<u>RESIDENTIAL</u>								
	RA- 2.5	RA- 5	RA- 10	RA- 20	UR	R-1 (17)	R-4	R-6	R-8	R- 12	R- 18	R- 24	R-48
Base Density:	0.2	0.2	0.1	0.05	0.2	1	4	6	8	12	18	24	48
Dwelling Unit/Acre (15) (28)	du/a c	du/a c	du/ac	du/ac	du/ac (21)	du/ ac	du/ ac (6)	du/ac	du/ac	du/a c	du/a c	du/a c	du/ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a c (20)					<u>1.5</u> du/ac (22)	6 du/ ac (22)	9 du/ac 12 du/ac (27) 8 du/ ac (27) ac (34) (27) (34)	12 du/ac (22) 16 du/ac (27) ac (34)	18 du/a c (22) 24 du/a c (34)	27 du/a c (22) 36 du/a c (34)	36 du/a c (22) 48 du/a c (34)	72 du/ac (22) 96 du/ac (27) (34)
Minimum							85%	85%	85%	80%	75%	70%	65%

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Density: (2)							(12) (18) (23)	(12) (18)	(12) (18)	(18)	(18)	(18)	(18)
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac			10,000 sf (31)						
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8) 20 ft (31)	10 ft (8)	10 ft (8)	10 ft (8) (30)	10 ft (8) (30)	10ft (8) (30)	10 ft (8) (30)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft 10 ft (31)	5 ft	5 ft	5 ft (10) (30) (33)	5 ft (10) (30) (33)	5 ft (10) (30) (33)	5 ft (10) (30) (33)
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft 25 ft (25a)	35 ft 25 ft (25a)	35 ft 25 ft (25a)	60 ft	60 ft	60 ft	60 ft
Maximum Height	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4) <u>35 ft</u> (32)	30 ft (25b) 75 ft (4) <u>35 ft</u> (32)	45 ft (14) 30 ft (25b) 75 ft (4) <u>35 ft</u> (32)	45 ft (14) 30 ft (25b) 75 ft (4) <u>35 ft</u> (32)	75 ft (4) <u>35 ft</u> (32)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25 % (11) (19) (26)	20 % (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26) (30)	85% (26) (30)	85% (26) (30)	90% (26) (30)

5876

B. Development conditions.

- 5877 1. This maximum density may be achieved only through the application of:
- 5878 a. ~~((residential density incentives in accordance with K.C.C. chapter 21A.34~~
- 5879 ~~or))~~ transfers of development rights in accordance with K.C.C. chapter 21A.37, ~~((or any~~
- 5880 ~~combination of density incentive or density transfer))~~ except for properties within the
- 5881 Skyway-West Hill or North Highline community service area subarea geographies; ~~((or))~~
- 5882 b. ~~((for properties within the Skyway-West Hill or North Highline community~~
- 5883 ~~service area subarea geographies, only as provided in the))~~ inclusionary housing
- 5884 regulations in accordance with K.C.C. chapter 21A.48;
- 5885 c. K.C.C. 21A.08.030.B.19.; or
- 5886 d. a one hundred and fifty percent bonus as allowed in subsection B.22.c. of
- 5887 this section.
- 5888 2. Also see K.C.C. 21A.12.060.
- 5889 3. These standards may be modified under the provisions for zero-lot-line and
- 5890 townhouse developments.
- 5891 4.a. Portions of a structure may exceed the base height if one additional foot of
- 5892 street and interior setback is provided for each foot above the base height. The following
- 5893 restrictions apply:
- 5894 (1) for netting or fencing and support structures for the netting or fencing
- 5895 used to contain golf balls in the operation of golf courses or golf driving ranges, the
- 5896 maximum height shall not exceed seventy-five feet, except for recreation or multiuse
- 5897 parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a
- 5898 golf ball trajectory study requires a higher fence. All such netting, fencing, and support
- 5899 structures are exempt from the additional interior setback requirement, regardless of

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5900 whether located in a recreation or multiuse park;

5901 (2) properties ((~~within the Skyway West Hill or North Highline community~~
5902 ~~service area subarea geographies~~)) with inclusionary housing developed in accordance
5903 with K.C.C. chapter 21A.48 shall not increase height through this method; and

5904 (3) for all other structures, the maximum height achieved through this method
5905 shall not exceed seventy-five feet.

5906 b. Accessory dwelling units and accessory living quarters shall not exceed base
5907 heights, except that this requirement shall not apply to accessory dwelling units
5908 constructed wholly within an existing dwelling unit.

5909 5. Applies to each individual lot. Impervious surface area standards for:

5910 a. Regional uses shall be established at the time of permit review;

5911 b. Nonresidential uses in rural area and residential zones shall comply with
5912 K.C.C. 21A.12.120 and 21A.12.220;

5913 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
5914 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
5915 comparable R-6 or R-8 zone; and

5916 d. A lot may be increased beyond the total amount permitted in this chapter
5917 subject to approval of a conditional use permit.

5918 6. Mobile home parks shall be allowed a base density of six dwelling units per
5919 acre.

5920 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
5921 square feet in area.

5922 8. At least twenty linear feet of driveway shall be provided between any garage,

5923 carport, or other fenced parking area and the street property line. The linear distance
5924 shall be measured along the center line of the driveway from the access point to such
5925 garage, carport, or fenced area to the street property line.

5926 9.a. Residences shall have a setback of at least one hundred feet from any
5927 property line adjoining A, M, or F zones or existing extractive operations. However,
5928 residences on lots less than one hundred fifty feet in width adjoining A, M, or F zones or
5929 existing extractive operations shall have a setback from the rear property line equal to
5930 fifty percent of the lot width and a setback from the side property equal to twenty-five
5931 percent of the lot width.

5932 b. Except for residences along a property line adjoining A, M, or F zones or
5933 existing extractive operations, lots between one acre and two and one-half acres in size
5934 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
5935 to the requirements of the R-4 zone.

5936 10.a. For developments consisting of three or more single-detached dwellings
5937 located on a single parcel, the setback shall be ten feet along any property line abutting
5938 R-1 through R-8, RA, and UR zones, except for structures in on-site play areas required
5939 in K.C.C. 21A.14.190, which shall have a setback of five feet.

5940 b. For townhouse and apartment development, the setback shall be twenty feet
5941 along any property line abutting R-1 through R-8, RA, and UR zones, except for
5942 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
5943 of five feet, unless the townhouse or apartment development is adjacent to property upon
5944 which an existing townhouse or apartment development is located.

5945 11. Lots smaller than one-half acre in area shall comply with standards of the

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5946 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
 5947 larger, the maximum impervious surface area allowed shall be at least ten thousand
 5948 square feet. On any lot over one acre in area, an additional five percent of the lot area
 5949 may be used for buildings related to agricultural or forestry practices. For lots smaller
 5950 than two acres but larger than one-half acre, an additional ten percent of the lot area may
 5951 be used for structures that are determined to be medically necessary, if the applicant
 5952 submits with the permit application a notarized affidavit, conforming with K.C.C.
 5953 21A.32.170A.2.

5954 12. For purposes of calculating minimum density, the applicant may request that
 5955 the minimum density factor be modified based upon the weighted average slope of the
 5956 net buildable area of the site in accordance with K.C.C. 21A.12.087.

5957 13. The minimum lot area does not apply to lot clustering proposals as provided
 5958 in K.C.C. chapter 21A.14, except in the Rural Town of Fall City between the effective
 5959 date of Ordinance 19690 and thirteen months after the effective date of Ordinance 19690.

5960 14. This maximum height is only allowed as follows:

5961 a. in R-6 and R-8 zones, for a building with a footprint built on slopes
 5962 exceeding a fifteen percent finished grade; and

5963 b. in R-18, R-24, and R-48 zones, only through application of:

5964 (1) ~~((for properties within the Skyway West Hill or North Highline~~
 5965 ~~community service area subarea geographies, only if meeting the requirements of))~~
 5966 inclusionary housing regulations in accordance with K.C.C. chapter 21A.48; or

5967 (2) ~~((for all other properties, using residential density incentives and))~~ transfer
 5968 of ~~((density credits))~~ development rights in accordance with ~~((this title))~~ K.C.C. chapter

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5969 21A.37, except for properties within the Skyway-West Hill or North Highline community
5970 service area subarea geographies.

5971 15. Density applies only to dwelling units and not to sleeping units.

5972 16. Vehicle access points from garages, carports, or fenced parking areas shall
5973 be set back from the property line on which a joint use driveway is located to provide a
5974 straight line length of at least twenty-six feet as measured from the center line of the
5975 garage, carport, or fenced parking area, from the access point to the opposite side of the
5976 joint use driveway.

5977 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
5978 be clustered if the property is located within or contains:

5979 (1) a floodplain;

5980 (2) a critical aquifer recharge area;

5981 (3) a regionally or locally significant resource area;

5982 (4) existing or planned public parks or trails, or connections to such facilities;

5983 (5) a category type S or F aquatic area or category I or II wetland;

5984 (6) a steep slope; or

5985 (7) an urban separator or wildlife habitat network designated by the

5986 Comprehensive Plan ~~((or a community plan))~~.

5987 b. The development shall be clustered away from critical areas or the axis of
5988 designated corridors such as urban separators or the wildlife habitat network to the extent
5989 possible and the open space shall be placed in a separate tract that includes at least fifty
5990 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
5991 ~~((homeowner's))~~ homeowners association or other suitable organization, as determined

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5992 by the director, and meet the requirements in K.C.C. 21A.14.040. On-site critical area
 5993 and buffers and designated urban separators shall be placed within the open space tract to
 5994 the extent possible. Passive recreation, with no development of recreational facilities,
 5995 and natural-surface pedestrian and equestrian trails are acceptable uses within the open
 5996 space tract.

5997 18. See K.C.C. 21A.12.085.

5998 19. All subdivisions and short subdivisions in R-1 and RA zones within the
 5999 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
 6000 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
 6001 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
 6002 Sammamish Community Planning Area that drains to Patterson Creek shall have a
 6003 maximum impervious surface area of eight percent of the gross acreage of the plat.
 6004 Distribution of the allowable impervious area among the platted lots shall be recorded on
 6005 the face of the plat. Impervious surface of roads need not be counted towards the
 6006 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
 6007 more restrictive shall be required.

6008 20. This density may only be achieved on RA 2.5 zoned parcels receiving
 6009 density from rural forest focus areas through a transfer of density credit (~~((pursuant to))~~)
 6010 under K.C.C. chapter 21A.37.

6011 21. Base density may be exceeded, if the property is located in a designated
 6012 ~~((rural city u))~~Urban ~~((g))~~Growth ~~((a))~~Area for Cities in the Rural Area and each
 6013 proposed lot contains an occupied legal residence that predates 1959.

6014 22.a. The maximum density is four dwelling units per acre for properties zoned

6015 R-4 when located in the Rural Town of Fall City.

6016 b. For properties within the Skyway-West Hill or North Highline community
6017 service area subarea geographies, only as provided in the inclusionary housing
6018 regulations in K.C.C. chapter 21A.48 or subsection B.22.c. of this section.

6019 c. In the R-1 through R-48 zones, for duplex, triplex, fourplex, or townhouse
6020 developments with nine or fewer units and when located within a half mile of high-
6021 capacity or frequent transit as defined in the King County Countywide Planning Policies.

6022 23. The subdivision or short subdivision of property within the Rural Town of
6023 Fall City is not required to meet with the minimum density requirements of this chapter.

6024 24. The impervious surface standards for the county fairground facility are
6025 established in the King County Fairgrounds Site Development Plan, Attachment A to
6026 Ordinance 14808, on file at the department of natural resources and parks and the
6027 department of local services, permitting division. Modifications to that standard may be
6028 allowed provided the square footage does not exceed the approved impervious surface
6029 square footage established in the King County Fairgrounds Site Development Plan
6030 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,
6031 by more than ten percent.

6032 25. For cottage housing developments only:

6033 a. The base height is twenty-five feet.

6034 b. Buildings that have pitched roofs with a minimum slope of six over twelve
6035 may achieve a maximum height of thirty feet at the ridge of the roof.

6036 26. Impervious surface does not include access easements serving neighboring
6037 property and driveways to the extent that they extend beyond the street setback due to

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6038 location within an access panhandle or due to the application of King County Code
 6039 requirements to locate features over which the applicant does not have control.

6040 27.a. For properties within the Skyway-West Hill or North Highline community
 6041 service area subarea geographies, only in accordance with the inclusionary housing
 6042 regulations in K.C.C. chapter 21A.48.

6043 b. For all other properties, only for:

6044 (1) in accordance with ~~((K.C.C. 21A.34.040.F.1.g., F.6.))~~ K.C.C. chapter
 6045 21A.48; or

6046 (2) a project using the transfer of development rights affordable housing pilot
 6047 program in accordance with K.C.C. 21A.37.130.A.2., except for properties within the
 6048 Skyway-West Hill or North Highline community service area subarea geographies.

6049 28. On a site zoned RA with a building listed ~~((in))~~ in the ~~((National))~~
 6050 ~~((Register of))~~ Register of ~~((Historic))~~ Historic ~~((Places))~~ Places, additional dwelling units in excess of the
 6051 maximum density may be allowed under K.C.C. 21A.12.042.

6052 29. Height and setback requirements shall not apply to regional transit authority
 6053 facilities.

6054 30. Properties within the North Highline community service area subarea
 6055 geography shall meet the setback and GreenCenter requirements in K.C.C. chapter
 6056 21A.XX (the new chapter created in section 8 of Ordinance 19687).

6057 31 Applies only in the Rural Town of Fall City between the effective date of
 6058 Ordinance 19690 and thirteen months after the effective date of Ordinance 19690.

6059 32. For properties in Vashon Rural Town. Floors above two stories shall be
 6060 setback at least an additional ten feet from the setbacks in this section.

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6061 33. A safe parking site shall be setback at least ten feet from adjacent residential
 6062 uses and R zoned properties.

6063 34. If served by public sewers, mobile home parks can have one additional unit
 6064 per mobile home parking space or pad provided for the relocation of a mobile home that
 6065 has been or will be displaced due to closure of a mobile home park in King County, up to
 6066 the maximum density allowed for the zone.

6067 SECTION 111. Ordinance 10870, Section 341, as amended, and K.C.C.
 6068 21A.12.040 are hereby amended to read as follows:

6069 A. Densities and dimensions - resource and commercial/industrial zones.

STANDARD S	RESOURCE				COMMERCIAL/INDUSTRIAL				
	A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)	0.1 du/ ac	.0286 du/ac	.0125 du/ac		8 du/ac (2) <u>1 du</u> (22)	48 du/ac (2)	36 du/ac (2) 48 du/ac (((+)))	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre					12 du/ac (3) 16 du/ac (15)	72 du/ac (16) 96 du/ac (17)	48 du/ac (3) 72 du/ac (16) 96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area	10 acr es	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio	4 to 1	4 to 1							
Minimum	30	30 ft (4)	50 ft	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft

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Street Setback	ft (4)		(4)		(21)	(21)	(21)	(21)	
Minimum	10	10 ft (4)	100 ft	(12)	10 ft (18)	20 ft (7)	20 ft (7)	20 ft	20 ft (7)
Interior Setback	ft (4)		(4)		20 ft (14) (21)	(21) (23)	(21) (23)	(7) (21) (23)	50 ft (8)
Base Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	<u>35 ft</u> (24) 45 ft	<u>35ft</u> (24) 45 ft
Maximum Height	75 ft (10)	75 ft (10)	75 ft (10)	75 ft (10)	<u>35 ft (24)</u> 45 ft (6) 65 ft (20) 75 ft (10)	<u>35 ft (24)</u> 60 ft (6) 65 ft (17) 75 ft (10) 80 ft (20)	<u>35 ft (24)</u> 65 ft (6) 75 ft (10) 85 ft (20)	<u>35 ft</u> (24) 65 ft (6) 75 ft (10) 85 ft (20)	<u>35 ft (24)</u> 75 ft (10)
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15 % 35 % (11)	10% 35% (11)	10% 35% (11)		85% (21)	85% (21)	90% (21)	75% (21)	90%

6070

B. Development conditions.

6071

1. (~~In the RB zone on property located within the Potential Annexation Area of~~

6072

~~a rural city, this density is not allowed.)) Repealed.~~

6073

2. These densities are allowed only in the urban area and rural towns through

6074

the application of mixed-use development standards and, in the NB zone on property in

Ordinance

6075 the urban area designated commercial outside of center, for stand-alone townhouse
6076 development.

6077 3. These densities may only be achieved:

6078 a. ~~((for properties within the Skyway-West Hill or North Highline community
6079 service area subarea geographies,))~~ as provided in the inclusionary housing regulations in
6080 K.C.C. chapter 21A.48; ~~((or))~~

6081 b. ~~((for all other properties,))~~ through the application of ~~((residential density
6082 incentives or))~~ transfer of development rights in mixed-use developments ~~((and,))~~ in the
6083 urban area or rural towns in accordance with K.C.C. chapter 21A.37, except for
6084 properties within the Skyway-West Hill or North Highline community service area
6085 subarea geographies; or

6086 c. in the NB zone on property in the urban area designated commercial outside
6087 of center, for stand-alone townhouse development. ~~((See K.C.C. chapters 21A.34 and
6088 21A.37.))~~

6089 4.a. in the F zone, scaling stations may be located thirty-five feet from property
6090 lines. Residences shall have a setback of at least thirty feet from all property lines.

6091 b. for lots between one acre and two and one-half acres in size, the setback
6092 requirements of the R-1 zone shall apply. For lots under one acre, the setback
6093 requirements of the R-4 zone shall apply.

6094 c. for developments consisting of three or more single-detached dwellings
6095 located on a single parcel, the setback shall be ten feet along any property line abutting
6096 R-1 through R-8, RA, and UR zones.

6097 5. Gas station pump islands shall be placed no closer than twenty-five feet to

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6098 street front lines.

6099 6. This maximum height allowed only for:

6100 a. mixed-use developments; and

6101 b. stand-alone townhouse development in the NB zone on property designated
6102 commercial outside of center in the urban area.

6103 7. Required on property lines adjoining rural area and residential zones.

6104 8. Required on property lines adjoining rural area and residential zones for
6105 industrial uses established by conditional use permits.

6106 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
6107 chapter 21A.14 or ~~((the requirements of))~~ K.C.C. chapter 21A.48.

6108 10. Portions of a structure may exceed the base height if one additional foot of
6109 street and interior setback is provided for each foot above the base height. The following
6110 restrictions apply:

6111 a. for netting or fencing, and support structures for the netting or fencing used
6112 to contain golf balls in the operation of golf courses or golf driving ranges, the maximum
6113 height shall not exceed seventy-five feet. All such netting, fencing, and support
6114 structures are exempt from the additional interior setback requirement;

6115 b. properties ~~((within the Skyway West Hill or North Highline community
6116 service area subarea planning geographies))~~ with inclusionary housing developed in
6117 accordance with K.C.C. chapter 21A.48 shall not increase height through this method;
6118 and

6119 c. ~~((mixed use developments outside the Skyway West Hill or North Highline
6120 community service subarea geographies are not subject to a height restriction when using~~

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6121 ~~this method; and~~

6122 ~~d.))~~ for all other structures, the maximum height achieved through this method

6123 shall not exceed seventy-five feet.

6124 11. Applicable only to lots containing less than one acre of lot area.

6125 Development on lots containing less than fifteen thousand square feet of lot area shall be

6126 governed by impervious surface standards of the nearest comparable R-4 through R-8

6127 zone.

6128 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

6129 13. The impervious surface area for any lot may be increased beyond the total

6130 amount permitted in this chapter subject to approval of a conditional use permit.

6131 14. Required on property lines adjoining rural area and residential zones unless

6132 a stand-alone townhouse development on property designated commercial outside of

6133 center in the urban area is proposed to be located adjacent to property upon which an

6134 existing townhouse development is located.

6135 15.a. For properties within the Skyway-West Hill or North Highline community

6136 service area subarea geographies, only as provided in the inclusionary housing

6137 regulations in K.C.C. chapter 21A.48.

6138 b. For all other properties, only ~~((as provided for walkable communities under~~

6139 ~~K.C.C. 21A.34.040.F.8. well served by transit or))~~ for a mixed-use ~~((development~~

6140 ~~through the application of rural area and residential density incentives under K.C.C.~~

6141 ~~21A.34.040.F.1.g.))~~ in accordance with K.C.C. chapter 21A.48.

6142 16.a. For properties within the Skyway-West Hill or North Highline community

6143 service area subarea geographies, only as provided in the inclusionary housing

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6144 regulations in K.C.C. chapter 21A.48.

6145 b. For all other properties, only for mixed-use development through the
6146 application of (~~residential density incentives under K.C.C. chapter 21A.34~~) inclusionary
6147 housing regulations in accordance with K.C.C. chapter 21A.48 or the transfer of
6148 development rights (~~under~~) in urban areas and rural towns in accordance with K.C.C.
6149 chapter 21A.37. (~~In the RB zone on property located within the Potential Annexation~~
6150 Area of a rural city, this density is not allowed.))

6151 17.a. For properties within the Skyway-West Hill or North Highline community
6152 service area subarea geographies, only as provided in the inclusionary housing
6153 regulations in K.C.C. chapter 21A.48.

6154 b. For properties in Snoqualmie Pass Rural Town developed under K.C.C.
6155 chapter 21A.48.

6156 c. For all other properties, only for mixed-use development through the
6157 application of (~~residential density incentives under K.C.C. chapter 21A.34~~) inclusionary
6158 housing regulations in accordance with K.C.C. chapter 21A.48 or the transfer of
6159 development rights (~~under~~) in urban areas and rural towns in accordance with K.C.C.
6160 chapter 21A.37. Upper-level setbacks are required for any facade facing a pedestrian
6161 street for any portion of the structure greater than forty-five feet in height. The upper-
6162 level setback shall be at least one foot for every two feet of height above forty-five feet,
6163 up to a maximum required setback of fifteen feet. The first four feet of horizontal
6164 projection of decks, balconies with open railings, eaves, cornices, and gutters shall be
6165 permitted in required setbacks. (~~In the RB zone on property located within the Potential~~
6166 Annexation Area of a rural city, this density is not allowed.))

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6167 18. Required on property lines adjoining rural area and residential zones only
6168 for a social service agency office reusing a residential structure in existence on January 1,
6169 2010.

6170 19. On a site zoned A with a building designated as a county landmark in
6171 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess
6172 of the maximum density may be allowed under K.C.C. 21A.12.042.

6173 20. This maximum height allowed only for properties (~~within the Skyway West~~
6174 ~~Hill or North Highline community service area subarea geographies, if meeting the~~
6175 ~~requirements of~~) with inclusionary housing developed in accordance with K.C.C.
6176 chapter 21A.48.

6177 21. Properties within the North Highline community service area subarea
6178 geography shall meet the setback and GreenCenter requirements in K.C.C. chapter
6179 21A.XX (the new chapter created in section 8 of Ordinance 19687).

6180 22. Only when consistent with 21A.08.030.B.19.

6181 23. A safe parking site shall be setback at least ten feet from adjacent residential
6182 uses and R zoned properties.

6183 24. For properties in Vashon Rural Town. Floors above two stories shall be
6184 setback at least an additional ten feet from the setbacks in this section.

6185 SECTION 112. Ordinance 10870, Section 344, as amended, and K.C.C.

6186 21A.12.070 are hereby amended to read as follows:

6187 Permitted number of units, ~~((#))~~ lots, or floor area shall be determined as follows:

6188 A. The allowed number of dwelling units or lots ~~((#))~~, which is "base

6189 density~~((#))~~," shall be computed by multiplying the site area specified in K.C.C.

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6190 21A.12.080 by the applicable residential base density number;

6191 B. The maximum density (unit or lot) limits shall be computed by adding the
6192 bonus or transfer units authorized by K.C.C. chapters ((21A.34,)) 21A.37 and 21A.48 to
6193 the base units computed under subsection A₂ of this section;

6194 C. The allowed floor area, which excludes structured or underground parking
6195 areas and areas housing mechanical equipment, shall be computed by applying the floor-
6196 to-lot area ratio to the project site area specified in K.C.C. 21A.12.080;

6197 D. If calculations result in a fraction, the fraction shall be rounded to the nearest
6198 whole number as follows, except as provided in subsection E₂ of this section and K.C.C.
6199 21A.48.050:

6200 1. Fractions of 0.50 or above shall be rounded up; and

6201 2. Fractions below 0.50 shall be rounded down; and

6202 E. For subdivisions and short subdivisions in the RA and A zones, rounding up of
6203 the number of development units or lots is not allowed.

6204 SECTION 113. Ordinance 10870, Section 355, as amended, and K.C.C.

6205 21A.12.180 are hereby amended to read as follows:

6206 The following structures may be erected above the height limits of K.C.C.

6207 21A.12.030((-)) through 21A.12.050.

6208 A. Roof structures housing or screening elevators, stairways, tanks, ventilating fans,
6209 or similar equipment required for building operation and maintenance; and

6210 B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, ((church))
6211 religious facility steeples, crosses, spires, communication transmission and receiving
6212 structures, utility line towers and poles, and similar structures.

6213 SECTION 114. Ordinance 10870, Section 357, as amended, and K.C.C.

6214 21A.12.200 are hereby amended to read as follows:

6215 When a lot or site is divided by a zone boundary, the following applies:

6216 A. If a lot or site contains both rural area or residential and nonresidential zoning,
6217 the zone boundary between the rural area or residential zone and the nonresidential zone
6218 shall be considered a lot line for determining permitted building height and required
6219 setbacks on the site((-));

6220 B. If a lot or site contains residential zones of varying density:

6221 1. Any residential density transfer within the lot or site shall be allowed if:

6222 a. the density, as a result of moving dwelling units from one lot to another lot
6223 within a site or across zone lines within a single lot, does not exceed one hundred fifty
6224 percent of the base density on any of the lots or portions of a lot to which the density is
6225 transferred;

6226 b. the transfer does not reduce the minimum density achievable on the lot or site;

6227 c. the transfer enhances the efficient use of needed infrastructure;

6228 d. the transfer does not result in significant adverse impacts to the low density
6229 portion of the lot or site;

6230 e. the transfer contributes to preservation of environmentally sensitive areas,
6231 wildlife corridors, or other natural features; and

6232 f. the transfer does not result in significant adverse impacts to adjoining lower
6233 density properties;

Ordinance

6234 2. Residential density transfers from one lot to another lot within a site or from one
6235 portion of a lot to another portion of a lot across a zone line shall not be allowed in the RA
6236 zone;

6237 3. Residential density transfers shall not be allowed to a lot or portion of a lot
6238 zoned R-1;

6239 4. Compliance with the criteria in this subsection B₂ shall be evaluated during
6240 review of any development proposals in which such a transfer is proposed; and

6241 ~~((5. Residential density transfers from one lot to another lot within a site or from
6242 one portion of a lot to another portion of a lot across a zone line shall not, in of itself, be
6243 considered development above the base density for purposes of requiring a conditional use
6244 permit for apartments or townhouses in the R-1 through R-8 zones.))~~

6245 C. Uses on each portion of the lot shall only be those permitted in each zone in
6246 accordance with K.C.C. chapter 21A.08.

6247 SECTION 115. Ordinance 10870, Section 3559, as amended, and K.C.C.
6248 21A.12.220 are hereby amended to read as follows:

6249 Except for utility facilities, uses listed in K.C.C. 21A.08.100, and nonresidential uses
6250 regulated by K.C.C. 21A.12.230, all nonresidential uses located in the RA, UR, or R zones
6251 shall be subject to the following requirements:

6252 A. Impervious surface coverage shall not exceed:

6253 1. Forty percent of the site in the RA zone.

6254 2. Seventy percent of the site in the UR and the R-1 through R-8 zones.

6255 3. Eighty percent of the site in the R-12 through R-48 zones.

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6256 B. Buildings and structures, except fences and wire or mesh backstops, shall not be
6257 closer than 30 feet to any property line, except as provided in subsection C of this section.

6258 C. Single detached dwelling allowed as accessory to a (~~church~~) religious facility
6259 or school shall conform to the setback requirements of the zone.

6260 D. Parking areas are permitted within the required setback area from property lines,
6261 provided such parking areas are located outside of the required landscape area.

6262 E. Sites shall abut or be accessible from at least one public street functioning at a
6263 level consistent with King County Road Design Standards. New high school sites shall abut
6264 or be accessible from a public street functioning as an arterial per the King County Design
6265 Standards.

6266 F. The base height shall conform to the zone in which the use is located.

6267 G. Building illumination and lighted signs shall be designed so that no direct rays of
6268 light are projected into neighboring residences or onto any street right-of-way.

6269 SECTION 116. Ordinance 10870, Section 364, as amended, and K.C.C.

6270 21A.14.040 are hereby amended to read as follows:

6271 Residential lot clustering is allowed in the R, UR₂ and RA zones. If residential lot
6272 clustering is proposed, the following requirements shall be met:

6273 A. In the R zones, any designated open space tract resulting from lot clustering shall
6274 not be altered or disturbed except as specified on recorded documents creating the open
6275 space. Open spaces may be retained under ownership by the subdivider, conveyed to
6276 residents of the development or conveyed to a third party. If access to the open space is
6277 provided, the access shall be located in a separate tract;

6278 B. In the RA zone:

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6279 1. No more than eight lots of less than two and one-half acres shall be allowed in a
6280 cluster;

6281 2. No more than eight lots of less than two and one-half acres shall be served by a
6282 single cul-de-sac street;

6283 3. Clusters containing two or more lots of less than two and one-half acres,
6284 whether in the same or adjacent developments, shall be separated from similar clusters by at
6285 least one hundred twenty feet;

6286 4. The overall amount, and the individual degree of clustering shall be limited to a
6287 level that can be adequately served by rural facilities and services, including, but not limited
6288 to, on-site sewage disposal systems and rural roadways;

6289 5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040, shall
6290 be provided along the frontage of all public roads when adjoining differing types of
6291 development such as commercial and industrial uses, between differing types of residential
6292 development and to screen industrial uses from the street. The planting materials shall
6293 consist of species that are native to the Puget Sound region. Preservation of existing healthy
6294 vegetation is encouraged and may be used to augment new plantings to meet the
6295 requirements of this section;

6296 6. Except as provided in subsection B.7. of this section, open space tracts created
6297 by clustering in the RA zone shall be designated as permanent open space. Acceptable uses
6298 within open space tracts are passive recreation, with no development of active recreational
6299 facilities, natural-surface pedestrian and equestrian foot trails, and passive recreational
6300 facilities(~~(— A resource tract created under K.C.C. 16.82.152.E. may be considered an open~~
6301 ~~space tract for purposes of this subsection B.6));~~

6302 7.a. In the RA zone a resource tract may be created through a cluster development
6303 in lieu of an open space tract. (~~A resource tract created under K.C.C. 16.82.152.E. may be~~
6304 ~~considered a resource tract for purposes of this subsection B.7.)~~) The resource tract may be
6305 used as a working forest or farm if:

6306 (1) the department determines the resource tract is suitable for forestry or
6307 agriculture; and

6308 (2) the applicant submits a forest management plan prepared by a professional
6309 forester that has been approved by the King County department of natural resources and
6310 parks, or a farm management plan developed by the King Conservation District. The
6311 management plan must:

6312 (a) ensure that forestry or farming will remain as a sustainable use of the
6313 resource tract;

6314 (b) set impervious surface and clearing limitations and identify the type of
6315 buildings or structures that will be allowed within the resource tract; and

6316 (c) if critical areas are included in the resource tract, clearly distinguish between
6317 the primary purpose of the resource portion of the tract and the primary purpose of the
6318 critical area portion of the tract as required under K.C.C. 21A.24.180.

6319 b. The recorded plat or short plat shall designate the resource tract as a working
6320 forest or farm.

6321 c. If the applicant conveys the resource tract to residents of the development, the
6322 resource tract shall be retained in undivided interest by the residents of the subdivision or
6323 short subdivision.

6324 d. A homeowners association shall be established to ensure implementation of the
6325 forest management plan or farm management plan if the resource tract is retained in
6326 undivided interest by the residents of the subdivision or short subdivision.

6327 e. The applicant shall file a notice with the King County department of executive
6328 services, records, and licensing services division. The required contents and form of the
6329 notice shall be ~~((set forth))~~ established in a public rule. The notice shall inform the property
6330 owner or owners that the resource tract is designated as a working forest or farm~~((s))~~ that
6331 must be managed in accordance with the ~~((provisions established in the))~~ approved forest
6332 management plan or farm management plan.

6333 f. The applicant shall provide to the department proof of the approval of the forest
6334 management plan or farm management plan and the filing of the notice required in
6335 subsection B.7.g. of this section before recording of the final plat or short plat.

6336 g. The notice shall run with the land.

6337 h. Natural-surface pedestrian and equestrian foot trails, passive recreation, and
6338 passive recreational facilities, with no development of active recreational facilities, are
6339 allowed uses in resource tracts; and

6340 8. The requirements of subsection B.1., 2., or 3. of this subsection may be
6341 modified or waived by the director if the property is encumbered by critical areas containing
6342 habitat for, or there is the presence of, species listed as threatened or endangered under the
6343 Endangered Species Act when it is necessary to protect the habitat; and

6344 C. In the R-1 zone, open space tracts created by clustering required by K.C.C.
6345 21A.12.030 shall be located and configured to create urban separators and greenbelts, as
6346 required by the ~~((e))~~ Comprehensive ~~((p))~~ Plan, ~~((o))~~ subarea plans, or open space functional

6347 plans, to connect and increase protective buffers for critical areas, to connect and protect
 6348 wildlife habitat corridors designated by the ~~((e))~~Comprehensive ~~((p))~~Plan and to connect
 6349 existing or planned public parks or trails. The department may require open space tracts
 6350 created under this subsection to be dedicated to an appropriate managing public agency or
 6351 qualifying private entity such as a nature conservancy. In the absence of such a
 6352 requirement, open space tracts shall be retained in undivided interest by the residents of the
 6353 subdivision or short subdivision. A homeowners association shall be established for
 6354 maintenance of the open space tract.

6355 SECTION 117. Ordinance 10870, Section 367, as amended, and K.C.C.

6356 21A.14.070 are hereby amended to read as follows:

6357 The standards of K.C.C. 21A.14.080 through 21A.14.090 shall apply to ~~((all))~~ new
 6358 ~~((apartment))~~ developments ~~((exceeding four dwelling units, new townhouse development))~~
 6359 with five or more and new group residences, except Class I Community Residential
 6360 Facilities ("CRF-I"). Expansions of existing development that involve ~~((four))~~ five or more
 6361 dwelling units shall be subject to compliance with K.C.C. 21A.14.080 ~~((to))~~ and
 6362 21A.14.090.

6363 SECTION 118. Ordinance 10870, Section 368, as amended, and K.C.C.

6364 21A.14.080 are hereby amended to read as follows:

6365 A. On sites abutting an alley constructed to a width of at least ~~((20))~~ twenty feet,
 6366 duplex, triplex, fourplex, apartment, and townhouse development and all group residences
 6367 except Class I Community Residential Facilities ("CRF-I") shall have parking areas placed
 6368 to the rear of buildings with primary vehicular access via the alley, except when waived by
 6369 the director due to physical site limitations.

6370 B. When alley access is provided, no additional driveway access from the public
6371 street shall be allowed except as necessary to access parking under the structure or for fire
6372 protection.

6373 C. When the number of uncovered common parking spaces for attached dwellings
6374 and group residences exceed ~~((30))~~ thirty spaces and when there is alley access, no more
6375 than ~~((50))~~ fifty percent of these uncovered parking spaces shall be permitted between the
6376 street property line and any building, except when authorized by the director due to physical
6377 site limitations.

6378 SECTION 119. Ordinance 10870, Section 369, as amended, and K.C.C.

6379 21A.14.090 are hereby amended to read as follows:

6380 Duplex, triplex, fourplex, ~~((A))~~apartment, and townhouse developments and all
6381 group residences shall provide building facade modulation on facades exceeding ~~((60))~~ sixty
6382 feet and facing abutting streets or properties zoned R-1 through R-4. The following
6383 standards shall apply:

6384 A. The maximum wall length without modulation shall be ~~((30))~~ thirty feet; ~~((and))~~

6385 B. The sum of the modulation depth and the modulation width shall be no less than
6386 eight feet. Neither the modulation depth nor the modulation width shall be less than two
6387 feet~~((-))~~; and

6388 C. Any other technique approved by the director that achieves the intent of this
6389 section.

6390 SECTION 120. Ordinance 10870, Section 376, as amended, and K.C.C.

6391 21A.14.160 are hereby amended to read as follows:

6392 New mobile home parks shall be developed subject to the following standards:

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- 6393 A. A mobile home park shall be at least three acres in area;
- 6394 B. Residential densities in a mobile home park shall be as follows:
- 6395 1. Six dwellings per acre in R-4 zone;
- 6396 2. The base density of the zone in which the park is located in all R-6 through R-48
- 6397 zones; and
- 6398 3. Mobile home parks shall be eligible to achieve the maximum density permitted
- 6399 in the zone by providing the ~~((affordable))~~ displaced housing benefit for mobile home parks
- 6400 ~~((set forth))~~ in K.C.C. ~~((21A.34))~~ 21A.12.030;
- 6401 C. Both insignia and non-insignia mobile homes may be installed in mobile home
- 6402 parks, provided that non-insignia mobile homes shall meet the minimum livability and
- 6403 safety requirements ~~((set forth))~~ in K.C.C. Title 16, Building Code;
- 6404 D. A mobile home park shall be exempt from impervious surface limits ~~((set forth))~~
- 6405 in K.C.C. chapter 21A.12;
- 6406 E. At least one of the off-street parking spaces required for each mobile home shall
- 6407 be located on or adjacent to each mobile home pad;
- 6408 F. Internal roads and sidewalks shall provide access to each mobile home space and
- 6409 shall be constructed in accordance with the adopted King County road standards for
- 6410 residential minor access streets;
- 6411 G. There shall be a minimum of ten feet of separation maintained between all
- 6412 mobile homes on the site, unless the flexible setback option ~~((set forth))~~ in K.C.C.
- 6413 21A.14.170 is used. Accessory structures shall be located no closer than:
- 6414 1. Ten feet to mobile homes on adjacent spaces, unless constructed of
- 6415 noncombustible materials, in which case the minimum setback shall be five feet;
-

6416 2. Five feet to accessory structures of mobile homes on adjacent spaces; and

6417 3. Five feet to the mobile home or other accessory structures on the same space,
6418 except a carport or garage may be attached to the mobile home, and the separation may be
6419 waived when such structures are constructed of noncombustible materials;

6420 H. All mobile homes and ((RVs)) recreational vehicles supported by piers shall be
6421 fully skirted; and

6422 I. A mobile home park may include a storage area for ((RVs)) recreational vehicles
6423 owned by residents of the park, provided the storage area contains no utility hook-ups and
6424 no ((RV)) recreational vehicle within the storage area shall be used as living quarters.

6425 SECTION 121. Ordinance 10870, Section 378, as amended, and K.C.C.

6426 21A.14.180 are hereby amended to read as follows:

6427 A. Residential developments, other than cottage housing developments, of more
6428 than four units in the UR and R-4 through R-48 zones, stand-alone townhouse
6429 developments in the NB zone on property designated commercial outside of center in the
6430 urban area of more than four units, and mixed-use developments of more than four units,
6431 shall provide recreation space for leisure, play, and sport activities as follows:

6432 1. Residential subdivision, townhouses, and apartments developed at a density
6433 of eight units or less per acre: three hundred ninety square feet per unit;

6434 2. Mobile home park: two hundred sixty square feet per unit;

6435 3. Residential subdivisions developed at a density of greater than eight units per
6436 acre: one hundred seventy square feet per unit; and

6437 4. Apartments and townhouses developed at a density of greater than eight units
6438 per acre and mixed use:

- 6439 a. Studio and one bedroom: ninety square feet per unit;
- 6440 b. Two bedrooms: one hundred seventy square feet per unit; and
- 6441 c. Three or more bedrooms: one hundred seventy square feet per unit.
- 6442 B. Recreation space shall be placed in a designated recreation space tract if part
- 6443 of a subdivision. The tract shall be dedicated to a (~~homeowner's~~) homeowners
- 6444 association or other workable organization acceptable to the director, to provide
- 6445 continued maintenance of the recreation space tract consistent with K.C.C. 21A.14.200.
- 6446 C. Any recreation space located outdoors that is not part of a storm water tract
- 6447 developed in accordance with subsection F. of this section shall:
- 6448 1. Be of a grade and surface suitable for recreation improvements and have a
- 6449 maximum grade of five percent;
- 6450 2. Be on the site of the proposed development;
- 6451 3. Be located in an area where the topography, soils, hydrology, and other
- 6452 physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a
- 6453 configuration that allows for passive and active recreation;
- 6454 4. Be centrally located with good visibility of the site from roads and sidewalks;
- 6455 5. Have no dimensions less than thirty feet, except trail segments;
- 6456 6. Be located in one designated area, unless the director determines that
- 6457 residents of large subdivisions, townhouses, and apartment developments would be better
- 6458 served by multiple areas developed with recreation or play facilities;
- 6459 7. Have a street roadway or parking area frontage along ten percent or more of
- 6460 the recreation space perimeter, except trail segments, if the required outdoor recreation

Ordinance

6461 space exceeds five thousand square feet and is located in a single detached or townhouse
6462 subdivision;

6463 8. Be accessible and convenient to all residents within the development; and

6464 9. Be located adjacent to, and be accessible by, trail or walkway to any existing
6465 or planned municipal, county, or regional park, public open space, or trail system((,
6466 ~~which may~~)) that might be located on adjoining property.

6467 D. Indoor recreation areas may be credited towards the total recreation space
6468 requirement, if the director determines that the areas are located, designed, and improved
6469 in a manner that provides recreational opportunities functionally equivalent to those
6470 recreational opportunities available outdoors. For senior (~~citizen~~) assisted housing,
6471 indoor recreation areas need not be functionally equivalent but may include social areas,
6472 game and craft rooms, and other multipurpose entertainment and education areas.

6473 E. Play equipment or age-appropriate facilities shall be provided within dedicated
6474 recreation space areas according to the following requirements:

6475 1. For developments of five dwelling units or more, a tot lot or children's play
6476 area, that includes age-appropriate play equipment and benches, shall be provided
6477 consistent with K.C.C. 21A.14.190;

6478 2. For developments of five to twenty-five dwelling units, one of the following
6479 recreation facilities shall be provided in addition to the tot lot or children's play area:

6480 a. playground equipment;

6481 b. sport court;

6482 c. sport field;

6483 d. tennis court; or

6484 e. any other recreation facility proposed by the applicant and approved by the
6485 director;

6486 3. For developments of twenty-six to fifty dwelling units, at least two or more of
6487 the recreation facilities listed in subsection E.2. of this section shall be provided in
6488 addition to the tot lot or children's play area; and

6489 4. For developments of more than fifty dwelling units, one or more of the
6490 recreation facilities listed in subsection E.2. of this section shall also be provided for
6491 every twenty-five dwelling units in addition to the tot lot or children's play area. If
6492 calculations result in a fraction, the fraction shall be rounded to the nearest whole number
6493 as follows:

6494 a. Fractions of 0.50 or above shall be rounded up; and

6495 b. Fractions below 0.50 shall be rounded down.

6496 F. In subdivisions, recreation areas that are contained within the on-site
6497 stormwater tracts, but are located outside of the one hundred year design water surface,
6498 may be credited for up to fifty percent of the required square footage of the on-site
6499 recreation space requirement on a foot-per-foot basis, subject to the following criteria:

6500 1. The stormwater tract and any on-site recreation tract shall be contiguously
6501 located. At final plat recording, contiguous stormwater and recreation tracts shall be
6502 recorded as one tract and dedicated to the ((homeowner's)) homeowners association or
6503 other organization as approved by the director;

6504 2. The drainage facility shall be constructed to meet the following conditions:

6505 a. The side slope of the drainage facility shall not exceed thirty-three percent
6506 unless slopes are existing, natural, and covered with vegetation;

6507 b. A bypass system or an emergency overflow pathway shall be designed to
6508 handle flow exceeding the facility design and located so that it does not pass through
6509 active recreation areas or present a safety hazard;

6510 c. The drainage facility shall be landscaped and developed for passive
6511 recreation opportunities such as trails, picnic areas, and aesthetic viewing; and

6512 d. The drainage facility shall be designed so they do not require fencing under
6513 the King County Surface Water Design Manual.

6514 G. When the tract is a joint use tract for a drainage facility and recreation space,
6515 King County is responsible for maintenance of the drainage facility only and requires a
6516 drainage easement for that purpose.

6517 H.1. A recreation space plan shall be submitted to the department and reviewed
6518 and approved with engineering plans.

6519 ~~((1-))~~ 2. The recreation space plans shall address all portions of the site that will
6520 be used to meet recreation space requirements of this section, including drainage facility.
6521 The plans shall show dimensions, finished grade, equipment, landscaping, and
6522 improvements, as required by the director, to demonstrate that the requirements of the on-
6523 site recreation space in K.C.C. 21A.14.180 and play areas in K.C.C. 21A.14.190 have
6524 been met.

6525 ~~((2-))~~ 3. If engineering plans indicate that the on-site drainage facility or
6526 stormwater tract must be increased in size from that shown in preliminary approvals, the
6527 recreation plans must show how the required minimum recreation space under K.C.C.
6528 21A.14.180.A. will be met.

6529 SECTION 122. Ordinance 10870, Section 379, as amended, and K.C.C.

6530 21A.14.190 are hereby amended to read as follows:

6531 A. All single detached subdivisions, apartment, townhouse, and mixed-use
6532 developments, of more than four units in the UR and R-4 through R-48 zones and stand-
6533 alone townhouse developments in the NB zone of more than four units on property
6534 designated commercial outside of center in the urban area, excluding age-restricted senior
6535 ((~~citizen~~)) housing, shall provide children play areas within the recreation space on-site,
6536 except if facilities are available to the public that meet all of the following:

- 6537 1. Developed as a county, municipal, or regional park;
6538 2. Located within one quarter mile walking distance; and
6539 3. Accessible without crossing any arterial street.

6540 B. Play area designs shall:

- 6541 1. Provide at least forty-five square feet per dwelling unit, with a minimum size
6542 of four hundred square feet;
6543 2. Be adjacent to main pedestrian paths or near building entrances;
6544 3. Meet the requirements of K.C.C. 21A.14.180; and
6545 4. Provide play equipment that meets, at a minimum, the Consumer Product
6546 Safety Standards for equipment, soft surfacing, and spacing.

6547 SECTION 123. Ordinance 14045, Section 30, and K.C.C. 21A.14.225 are hereby
6548 amended to read as follows:

6549 A. Tracts and easements containing hazardous liquid and gas transmission pipelines
6550 and required setbacks from such pipelines may include the following uses, subject to other
6551 regulations applicable to each use and approval of the holder of the easement: utility

6552 structures not normally occupied necessary for the operation of the pipeline, landscaping,
6553 trails, open space, keeping of animals, agriculture, forestry, commercial signage, minor
6554 communication facilities and the utility structures not normally occupied necessary for the
6555 operation of the minor communication facility, and other compatible uses as specified on the
6556 face of the recorded plat or short plat; (~~provided that~~) however, structures designed for
6557 human occupancy shall never be allowed within pipeline tracts, easements, or setbacks.

6558 B. Hazardous liquid and gas transmission pipelines shall not be located in aquifer
6559 recharge areas, landslide hazard areas, or erosion hazard areas. When it is impractical to
6560 avoid such areas, special engineering precautions should be taken to protect public health,
6561 safety, and welfare.

6562 C. As part of an application for the siting new gas or hazardous liquid transmission
6563 pipelines, the applicant shall submit an equity impact review of the proposal using tools
6564 developed by the office of equity and racial and social justice. The results from the equity
6565 impact review shall be used to assess equity impacts and opportunities during county permit
6566 review and may be used to inform determinations of project approval.

6567 SECTION 124. Ordinance 11621, Section 99, as amended, and K.C.C. 21A.14.280
6568 are hereby amended to read as follows:

6569 A. The purpose of the rural industries section is to establish standards for industrial
6570 (I) zoned development in rural areas. Site and building designs, buffering, compatible
6571 commercial and industrial uses are required to maintain rural character.

6572 B. The following development standards shall apply to uses locating in the
6573 industrial (I) zone within the rural area;

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- 6574 1. All uses occurring outside an enclosed building shall be screened from adjoining
6575 rural residential uses;
- 6576 2. All buildings shall be set back fifty-feet from perimeter streets and from rural
6577 area and residential zones;
- 6578 3. The total permitted floor area\lot area ratio shall not exceed one hundred percent
6579 for a development consisting of multiple lots and one hundred twenty-five percent on any
6580 individual building lot;
- 6581 4. The total permitted impervious lot coverage shall not exceed seventy percent for
6582 a development consisting of multiple lots and eighty percent on any individual building lot;
- 6583 5. The landscaping standards in K.C.C. chapter 21A.16 are modified as follows:
- 6584 a. Twenty-foot-wide Type II landscaping shall be provided along exterior streets,
6585 b. Twenty-foot-wide Type I landscaping shall be provided along property lines
6586 adjacent to rural residential zoned areas; and
- 6587 c. Fifteen-foot-wide Type II landscaping shall be provided along lines adjacent to
6588 nonresidential zoned areas.
- 6589 6. Outdoor lighting shall be focused downward and configured to minimize
6590 intrusion of light into surrounding rural residential areas;
- 6591 7. Refuse collection(~~(/)~~), recycling (~~(areas)~~), and loading or delivery areas shall be
6592 located at least one hundred feet from rural area and residential zones and screened with a
6593 solid view obscuring barrier;
- 6594 8. Off street parking standards shall be no less than one space for every one
6595 thousand square feet of floor area and no greater than one space for every five hundred
6596 square feet of floor area;

Ordinance

- 6597 9. Sign are allowed as follows:
- 6598 a. Signs shall not exceed an area of sixty-four square feet per sign;
- 6599 b. Pole signs shall not be permitted; and
- 6600 c. Signs shall not be internally illuminated;
- 6601 10. The director shall approve building design, materials and color. Buildings
- 6602 shall be designed and use accent materials (~~((e.g.))~~ such as wood and brick(~~(+)~~),
- 6603 nonreflective glass, and muted colors to be compatible with rural character; (~~(and)~~)
- 6604 11. Building height shall be limited to forty feet;
- 6605 12. Uses shall not require substantial investments in infrastructure, such as water,
- 6606 sewers, or transportation, or facilities that generate substantial volumes of heavy gross
- 6607 weight truck trips.
- 6608 SECTION 125. Ordinance 14045, Section 43 and K.C.C. 21A.14.330 are hereby
- 6609 amended to read as follows:
- 6610 In the RA zone, all subdivisions and short subdivisions shall be recorded with a
- 6611 condition prohibiting any covenant that would preclude (~~((the keeping of horses or other~~
- 6612 ~~large livestock))~~ agricultural and forestry activities.
- 6613 SECTION 126. Ordinance 10870, Section 387, as amended, and K.C.C.
- 6614 21A.16.020 are hereby amended to read as follows:
- 6615 Except for communication facilities regulated (~~((pursuant to))~~ under K.C.C.
- 6616 chapter 21A.26, all new development listed in K.C.C. 21A.16.030 shall be subject to the
- 6617 landscaping provisions of this chapter, (~~((provided that))~~ although specific landscaping
- 6618 and tree retention provisions for uses established through a conditional use permit(~~(=)~~) or

6619 a special use permit(~~(, or an urban planned development application)~~) shall be determined
 6620 during the applicable review process.

6621 SECTION 127. Ordinance 10870, Section 388, as amended, and K.C.C.
 6622 21A.16.030 are hereby amended to read as follows:

6623 To facilitate the application of this chapter, the land uses of K.C.C. chapter
 6624 21A.08 have been grouped in the following manner:

6625 A. Residential development refers to those uses listed in K.C.C. 21A.08.030,
 6626 except those uses listed under Accessory uses, and:

6627 1. Attached/group residences refers to:

- 6628 a. townhouses, except as provided in subsection A.2.a. of this section;
- 6629 b. apartments and detached dwelling units developed on common property at a
 6630 density of twelve or more units per acre;
- 6631 c. senior (~~(citizen)~~) assisted housing;
- 6632 d. temporary lodging;
- 6633 e. group residences other than Type I community residential facilities;
- 6634 f. mobile home parks; and

6635 2. Single-family development refers to:

- 6636 a. residential subdivisions and short subdivisions, including attached and
 6637 detached dwelling units on individually platted or short platted lots;
- 6638 b. any detached dwelling units located on a lot including cottage housing units;
- 6639 and
- 6640 c. Type I community residential facilities;

6641 B. Commercial development refers to those uses in:

Ordinance

-
- 6642 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;
- 6643 2. K.C.C. 21A.08.050 except recycling centers, health and educational services,
- 6644 daycare I, (~~churches, synagogues and temples~~) religious facilities, and miscellaneous
- 6645 repair as allowed in the A and RA zones; and
- 6646 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales
- 6647 as allowed in the A, F₂ and RA zones and building, hardware₂ and garden materials as
- 6648 allowed in the A zones;
- 6649 C. Industrial development refers to those uses listed in:
- 6650 1. K.C.C. 21A.08.050 as recycling center;
- 6651 2. K.C.C. 21A.08.060, except government services and farm product
- 6652 warehousing, refrigeration₂ and storage as allowed in the A zones;
- 6653 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A
- 6654 and F zones; and
- 6655 4. K.C.C. 21A.08.090 as mineral extraction and processing;
- 6656 D. Institutional development refers to those uses listed in:
- 6657 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;
- 6658 2. K.C.C. 21A.08.050 as (~~churches, synagogues and temples~~) religious
- 6659 facilities, health services₂ and education services except specialized instruction schools
- 6660 permitted as an accessory use;
- 6661 3. K.C.C. 21A.08.060 as government services; and
- 6662 4. Search and rescue facilities.
- 6663 E. Utility development refers to those uses listed in K.C.C. 21A.08.060 as utility
- 6664 facilities; and
-

6665 F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E.
6666 of this section shall not be subject to landscaping and tree retention requirements except
6667 as specified in any applicable review of a conditional use or special use permits, or
6668 reviews conducted in accordance with K.C.C. 21A.42.300.

6669 SECTION 128. Ordinance 10870, Section 395, as amended, and K.C.C.
6670 21A.16.100 are hereby amended to read as follows:

6671 The following alternative landscape options may be allowed, subject to county
6672 approval, only if they accomplish equal or better levels of screening, or when existing
6673 conditions on or adjacent to the site, such as significant topographic differences,
6674 vegetation, structures, or utilities would render application of this chapter ineffective or
6675 result in scenic view obstruction:

6676 A. The amount of required landscape area may be reduced to ensure that the total
6677 area for required landscaping, and/or the area remaining undisturbed for the purpose of
6678 wildlife habitat or corridors does not exceed ~~((15))~~ fifteen percent of the net developable
6679 area of the site. For the purpose of this subsection A., the net developable area of the site
6680 shall not include areas deemed unbuildable due to their location within sensitive areas
6681 and any associated buffers~~((-))~~;

6682 B. The average width of the perimeter landscape strip may be reduced up to
6683 ~~((25))~~ twenty-five percent along any portion where:

6684 1. Berms at least three feet in height or architectural barriers at least six feet in
6685 height are incorporated into the landscape design; or

6686 2. The landscape materials are incorporated elsewhere on-site;

Ordinance

6687 C. In pedestrian district overlays, street perimeter landscaping may be waived
 6688 provided a site plan, consistent with the applicable adopted area zoning document, is
 6689 approved that provides street trees and other pedestrian-related amenities;

6690 D. Landscaping standards for uses located in a rural town or rural business
 6691 centers designated by the ~~((e))~~Comprehensive ~~((p))~~Plan may be waived or modified by
 6692 the director if deemed necessary to maintain the historic character of the area. Where a
 6693 ~~((local or))~~ subarea plan with design guidelines has been adopted, the director shall base
 6694 the landscaping modifications on the policies and guidelines of such plan~~((r))~~;

6695 E. When an existing structure precludes installation of the total amount of
 6696 required site perimeter landscaping, such landscaping material shall be incorporated on
 6697 another portion of the site~~((r))~~;

6698 F. Single-stemmed deciduous tree species that cannot generally be planted and
 6699 established in larger sizes may have a caliper of less than 1.5 inches; ~~((and))~~

6700 G. The number of trees and shrubs to be provided in required perimeter and
 6701 parking area landscaping may be reduced up to ~~((25))~~ twenty-five percent when a
 6702 development uses landscaping materials consisting of species typically associated with
 6703 the Puget Sound Basin in the following proportions:

- 6704 1. Seventy-five percent of groundcover and shrubs~~((r))~~; and
- 6705 2. Fifty percent of trees~~((r))~~;

6706 H. The department shall, ~~((pursuant to))~~ in accordance with K.C.C. chapter 2.98,
 6707 develop and maintain an advisory listing of trees recommended for new plantings. Such
 6708 list shall describe their general characteristics and suitability, and provide guidelines for
 6709 their inclusion within required landscape areas; and

6710 I. Crops may be planted in place of up to twenty-five percent of required Type II
 6711 or Type III landscaping in a commercial, residential, or institutional development.

6712 SECTION 129. Ordinance 10870, Section 407, as amended, and K.C.C.
 6713 21A.18.030 are hereby amended to read as follows:

6714 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking
 6715 areas shall contain at a minimum the number of parking spaces as stipulated in the
 6716 following table. Off-street parking ratios expressed as number of spaces per square feet
 6717 means the usable or net square footage of floor area, exclusive of ~~((non-public))~~
 6718 nonpublic areas. ((Non-public)) For the purposes of this section, "nonpublic areas"
 6719 include, but are not limited to, building maintenance areas, storage areas, closets, or
 6720 restrooms. If the formula for determining the number of off-street parking spaces results
 6721 in a fraction, the number of off-street parking spaces shall be rounded to the nearest
 6722 whole number with fractions of 0.50 or greater rounding up and fractions below 0.50
 6723 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A₂):	
Single detached/Townhouse	2.0 per dwelling unit
<u>Duplex, triplex, fourplex</u>	<u>1.0 per dwelling unit</u>
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit

Ordinance

Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior ((citizen)) assisted <u>housing</u>	1 per 2 dwelling or sleeping units
Community residential facilities	1 per ((two)) <u>2</u> bedrooms
Dormitory, including religious	1 per ((two)) <u>2</u> bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Cottage housing	1 per dwelling unit
<u>Permanent supportive housing</u>	<u>1 per 2 employees plus 1 per 20 dwelling units</u>
<u>Recuperative housing</u>	<u>1 per 2 employees plus 1 per 10 bedrooms</u>
<u>Emergency supportive housing</u>	<u>1 per 2 employees plus 1 per 20 bedrooms</u>
<u>Interim housing</u>	<u>1 per 2 employees plus 1 per 20 bedrooms</u>
<u>Microshelter villages</u>	<u>1 per 2 employees plus 1 per 20 microshelters</u>
((RECREATION/)) <u>RECREATIONAL AND CULTURAL (K.C.C.</u> 21A.08.040.A.):	

Ordinance

((Recreation/)) <u>Recreational and culture</u> uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A.):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area

Ordinance

Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
((Churches, synagogue, temple)) <u>Religious facility</u>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per ((five)) <u>5</u> students
Specialized instruction Schools	1 per classroom, plus 1 per ((two)) <u>2</u> students

Ordinance

Artist Studios	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A.):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit

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Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED
RETAIL/WHOLESALE (K.C.C. 21A.08.070.A₂):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas

Ordinance

Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A.):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery Facility II and III	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
RESOURCES (K.C.C. 21A.08.090.A.):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A.):	
Regional uses	(director)

6724 B. An applicant may request a modification of the minimum required number of
6725 parking spaces by providing that parking demand can be met with a reduced parking
6726 requirement. In such cases, the director may approve a reduction of up to fifty percent of
6727 the minimum required number of spaces.

6728 C. When the county has received a shell building permit application, off-street
6729 parking requirements shall be based on the possible tenant improvements or uses
6730 authorized by the zoning classification and compatible with the limitations of the shell
6731 permit. When the range of possible uses result in different parking requirements, the
6732 director will establish the amount of parking based on a likely range of uses.

6733 D. Where other provisions of this code stipulate maximum parking allowed or
6734 reduced minimum parking requirements, those provisions shall apply.

6735 E.1. In any development required to provide six or more parking spaces, bicycle
6736 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
6737 facilities unless otherwise specified.

6738 ~~((1.))~~ 2. Off-street parking areas shall contain at least one bicycle parking space
6739 for every twelve spaces required for motor vehicles except as follows:

6740 a. The director may reduce bike rack parking facilities for patrons when it is
6741 demonstrated that bicycle activity will not occur at that location.

6742 b. The director may require additional spaces when it is determined that the
6743 use or its location will generate a high volume of bicycle activity. Such a determination
6744 will include but not be limited to the following uses:

6745 (1) Park/playfield,

6746 (2) Marina,

6747 (3) Library/museum/arboretum,

6748 (4) Elementary/secondary school,

6749 (5) Sports club, or

6750 (6) Retail business (when located along a developed bicycle trail or
6751 designated bicycle route).

6752 ~~((2.))~~ 3. Bicycle ~~((facilities))~~ parking for patrons shall be located within 100 feet
6753 of the building entrance and shall be designed to allow either a bicycle frame or wheels to
6754 be locked to a structure attached to the pavement.

6755 ~~((3.))~~ 4. All bicycle parking and storage shall be located in safe, visible areas
6756 that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime
6757 use.

6758 ~~((4-))~~ 5. When more than ten people are employed on site, enclosed locker-type
6759 parking facilities for employees shall be provided. The director shall allocate the
6760 required number of parking spaces between bike rack parking and enclosed locker-type
6761 parking facilities.

6762 ~~((5-))~~ 6. One indoor bicycle storage space shall be provided for every two
6763 dwelling units in townhouse and apartment residential uses, unless individual garages are
6764 provided for every unit. The director may reduce the number of bike rack parking spaces
6765 if indoor storage facilities are available to all residents.

6766 SECTION 130. Ordinance 10870, Section 410, as amended, and K.C.C.

6767 21A.18.050 are hereby amended to read as follows:

6768 A. The minimum requirement of one off-street parking space per two bedrooms
6769 for ~~((CRF's))~~ CRFs and one off-street parking space per two senior ~~((citizen))~~ assisted
6770 housing units may be reduced by up to ~~((50))~~ fifty percent, as determined by the director
6771 based on the following considerations:

6772 1. Availability of private, convenient transportation services to meet the needs
6773 of the CRF residents;

6774 2. Accessibility to and frequency of public transportation; and

6775 3. Pedestrian access to health, medical, and shopping facilities;

6776 B. If a CRF facility or senior ~~((citizen))~~ assisted housing is no longer used for
6777 such purposes, additional off-street parking spaces shall be required in compliance with
6778 this chapter ~~((prior to))~~ before the issuance of a new certificate of occupancy.

6779 SECTION 131. Ordinance 10870, Section 414, as amended, and K.C.C.

6780 21A.18.100 are hereby amended to read as follows:

Ordinance

6781 A. (~~Non-residential~~) Nonresidential uses. All permitted nonresidential uses
 6782 shall provide pedestrian and bicycle (~~access~~) facilities within and onto the site(~~)~~ as
 6783 follows:

6784 1. Access points onto the site shall be provided:

6785 (~~(a)~~) a. approximately every (~~(800)~~) eight hundred to (~~(1,000)~~) one thousand
 6786 feet along existing and proposed perimeter sidewalks and walkways(~~)~~; and

6787 (~~(b)~~) b. at all arrival points to the site, including abutting street intersections,
 6788 crosswalks, and transit stops(~~)~~;

6789 2. (~~In addition, a~~) Access points to and from adjacent lots shall be coordinated
 6790 to provide pedestrian and bicycle circulation patterns between developments; and

6791 3. In the urban growth area, sidewalks, walkways, and bicycle facilities in
 6792 commercial developments shall be sufficient width and surface material to support
 6793 anticipated bicyclist volumes and pedestrian access to all ages and abilities.

6794 B. Residential uses.((

6795 4.)) All permitted residential uses of five or more dwelling units shall provide
 6796 pedestrian and bicycle (~~access~~) facilities within and onto the site(~~)~~ as follows:

6797 1. Access points onto the site shall be provided:

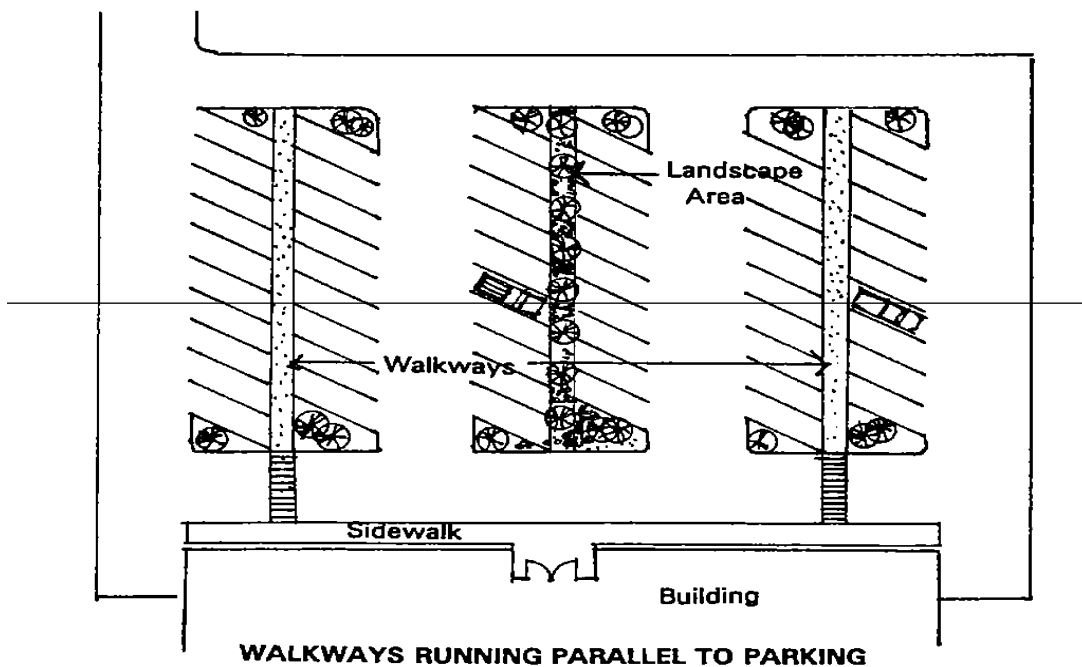
6798 (~~(a)~~) a. approximately every (~~(800)~~) eight hundred to (~~(1,000)~~) one thousand
 6799 feet along existing and proposed perimeter sidewalks and walkways(~~)~~; and

6800 (~~(b)~~) b. at all arrival points to the site, including abutting street intersections,
 6801 crosswalks, and transit and school bus stops(~~)~~;

6802 2. (~~In addition, a~~) Access points to and from adjacent lots shall be coordinated
 6803 to provide pedestrian and bicycle circulation patterns between sites(~~)~~;

6804 ~~((2-))~~ 3. Residential uses of five or more dwelling units shall provide for (~~non-~~
6805 ~~motorized~~) pedestrian and bicycle circulation between cul-de-sacs or groups of buildings
6806 to allow (~~pedestrian and bicycle~~) access within and through the development to adjacent
6807 activity centers, parks, common tracts, dedicated open space intended for active
6808 recreation, schools or other public facilities, transit and school bus stops, and public
6809 streets~~((-))~~; and

6810 ~~((3-))~~ 4. Access shall only be required to school bus stops that are within or
6811 adjacent to a proposed residential use of five or more dwelling units and that are
6812 identified by the affected school district in response to a Notice of Application. In order
6813 to allow school districts to identify school bus stops, the department shall send a Notice
6814 of Application to affected school districts on all applications for residential uses of five or
6815 more dwelling units.



6816

6817 C. Walkways shall form an on-site circulation system that minimizes the conflict
6818 between pedestrians and traffic at all points of pedestrian access to on-site parking and
6819 building entrances. Walkways shall be provided when the pedestrian access point onto
6820 the site, or any parking space, is more than ~~((75))~~ seventy-five feet from the building
6821 entrance or principal on-site destination and as follows:

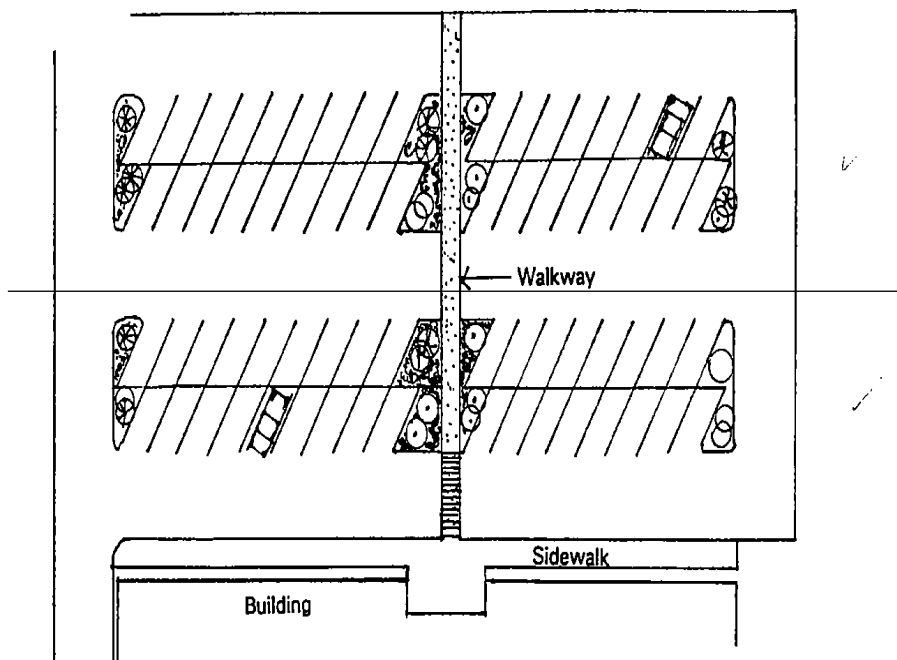
6822 1. All developments ~~((which))~~ that contain more than one building shall provide
6823 walkways between the principal entrances of the buildings;

6824 2. All non-residential buildings set back more than ~~((400))~~ one hundred feet
6825 from the public ~~((right-of-way))~~ right of way shall provide for direct pedestrian access
6826 from the building to buildings on adjacent lots; and

6827 3. Walkways across parking areas shall be located as follows:

6828 a. Walkways running parallel to the parking rows shall be provided for every
6829 six rows. Rows without walkways shall be landscaped or contain barriers or other means
6830 to encourage pedestrians to use the walkways; and

6831 b. Walkways running perpendicular to the parking rows shall be no further
6832 than twenty parking spaces. Landscaping, barriers, or other means shall be provided
6833 between the parking rows to encourage pedestrians to use the walkways~~((;))~~.



6834

6835

WALKWAYS RUNNING PERPENDICULAR TO PARKING

6836

D. Pedestrian and bicycle access and walkways shall meet the following

6837

minimum design standards:

6838

1. Access and walkways shall be well lit and physically separated from

6839

driveways and parking spaces by landscaping, berms, barriers, grade separation, or other

6840

means to protect pedestrians from vehicular traffic;

6841

2. Access and walkways shall be a minimum of ~~((48))~~ forty-eight inches of

6842

unobstructed width and meet the surfacing standards of the King County Road Standards

6843

for walkways or sidewalks;

6844

3. The minimum standard for walkways required to be accessible for persons

6845

with disabilities shall be designed and constructed to comply with the current State

6846

Building Code regulations for barrier-free accessibility; and

Ordinance

6847 4. A crosswalk shall be required when a walkway crosses a driveway or a paved
6848 area accessible to vehicles~~((; and))~~.

6849 E. Blocks in excess of ~~((660))~~ six hundred sixty feet shall be provided with a
6850 crosswalk at the approximate midpoint of the block.

6851 F.1. The director may waive or modify the requirements of this section when:

6852 ~~((1-))~~ a. ~~((E))~~ existing or proposed improvements would create an unsafe
6853 condition or security concern;

6854 ~~((2-))~~ b. ~~((F))~~ there are topographical constraints, or existing or required
6855 structures effectively block access;

6856 ~~((3-))~~ c. ~~((F))~~ the site is in a rural area, as defined by the Comprehensive Plan,
6857 or designated natural resource lands outside of or not contiguous to an activity center,
6858 park, common tract, dedicated open space, school, transit stop, or other public facility;

6859 ~~((4-))~~ d. ~~((F))~~ the land use would not generate the need for pedestrian or bicycle
6860 access; or

6861 ~~((5-))~~ e. the public is not allowed access to the subject land use~~((;))~~; and

6862 2. The director's waiver may not be used to modify or waive the requirements of
6863 K.C.C. 21A.18.100 relating to sidewalks and safe walking conditions for students.

6864 G. ~~((The provisions of))~~ This section shall not apply on school district property.

6865 SECTION 132. Ordinance 10870, Section 415, as amended, and K.C.C.

6866 21A.18.110 are hereby amended to read as follows:

6867 A. Off-street parking areas shall not be located more than six hundred feet from
6868 the building they are required to serve for all uses except those specified as follows~~((;))~~,
6869 where an off-street parking area does not abut the building it serves, the required

Ordinance

6870 maximum distance shall be measured from the nearest building entrance that the parking
6871 area serves:

6872 1. For all single detached, duplex, triplex, or fourplex dwellings the parking
6873 spaces shall be located on the same lot they are required to serve;

6874 2. For all other residential dwellings at least a portion of parking areas shall be
6875 located within one hundred fifty feet from the building or buildings they are required to
6876 serve;

6877 3. For all nonresidential uses permitted in rural area and residential zones, the
6878 parking spaces shall be located on the site they are required to serve and at least a portion
6879 of parking areas shall be located within one hundred fifty feet from the nearest building
6880 entrance they are required to serve;

6881 4. In designated activity, community business, and neighborhood business
6882 centers, parking lots shall be located to the rear or sides of buildings. Relief from this
6883 subsection A.4. may be granted by the director only if the applicant can demonstrate that
6884 there is no practical site design to meet this requirement. The director may allow only the
6885 number of parking spaces that cannot be accommodated to the rear or sides of buildings
6886 to be located to the front of buildings;

6887 5. Parking lots shall be so arranged as to permit the internal circulation of
6888 vehicles between parking aisles without (~~re-entering~~) reentering adjoining public
6889 streets; and

6890 6. Parking for the disabled shall be provided in accordance with K.C.C.
6891 21A.18.060.

Ordinance

6892 B. The minimum parking space and aisle dimensions for the most common
 6893 parking angles are shown on the table in this subsection. For parking angles other than
 6894 those shown on the chart, the minimum parking space and aisle dimensions shall be
 6895 determined by the director. Regardless of the parking angle, one-way aisles shall be at
 6896 least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end
 6897 aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking
 6898 plans for angle parking shall use space widths no less than eight feet six inches for a
 6899 standard parking space design and eight feet for a compact car parking space design.

6900

MINIMUM PARKING STALL AND AISLE DIMENSIONS

A		B		C	D	E		F	
PARKING ANGLE		STALL WIDTH		CURB LENGTH	STALL DEPTH	AISLE WIDTH 1-WAY 2-WAY		UNIT DEPTH 1-WAY 2-WAY	
0	0	8.0*		20.0*	8.0	12.0	20.0	**	**
		Min	8.5	22.5	8.5	12.0	20.0	29.0	37.0
		Desired	9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	30	8.0*		16.0*	15.0	10.0	20.0	**	**
		Min	8.5	17.0	16.5	10.0	20.0	42.0	53.0
		Desired	9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	45	8.0*		11.5*	17.0*	12.0	20.0	**	**
		Min	8.5	12.0		12.0	20.0	50.0	58.0
		Desired	9.0	12.5		12.0	20.0	51.0	59.0
60	60	8.0*		9.6*	18.0	18.0	20.0	**	**
		Min	8.5	10.0	20.0	18.0	20.0	58.0	60.0
		Desired	9.0	10.5	21.0	18.0	20.0	60.0	62.0
90		8.0*		8.0*	16.0*	24.0	24.0	**	**
		Min	8.5	8.5	18.0	24.0	24.0	60.0	60.0
		Desired	9.0	9.0	18.0	23.0	24.0	60.0	60.0

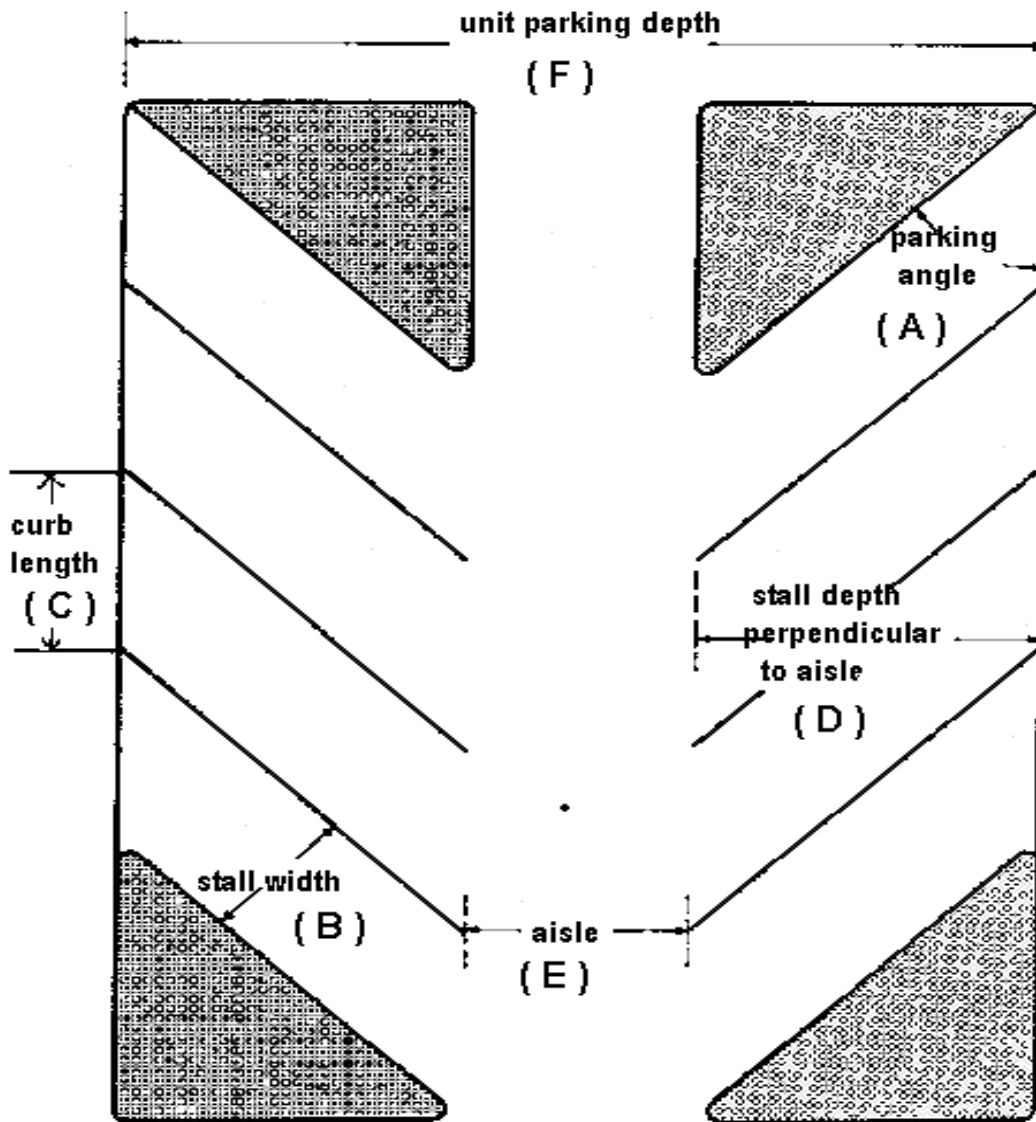
6901

* for compact stalls only

6902

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



6903

6904

C. Any parking spaces abutting a required landscaped area on the driver or

6905

passenger side of the vehicle shall provide an additional eighteen inches above the

6906

minimum space width requirement to provide a place to step other than in the landscaped

6907 area. The additional width shall be separated from the adjacent parking space by a
6908 parking space division stripe.

6909 D. The parking stall depth may be reduced if vehicles overhang a walkway or
6910 landscaping under the following conditions:

6911 1. Wheelstops or curbs are installed;

6912 2. The remaining walkway provides a minimum of forty-eight inches of
6913 unimpeded passageway for pedestrians;

6914 3. The amount of space depth reduction is limited to a maximum of eighteen
6915 inches; and

6916 4. Landscaping is designed in accordance with K.C.C. 21A.16.070.E.

6917 E. Driveways providing ingress and egress between off-street parking areas and
6918 abutting streets shall be designed, located, and constructed in accordance with K.C.C.
6919 chapter 14.42, Road Standards. Driveways for single detached dwellings, no more than
6920 twenty feet in width, may cross required setbacks or landscaped areas to provide access
6921 between the off-street parking areas and the street, (~~provided~~) if no more than fifteen
6922 percent of the required landscaping or setback area is eliminated by the driveway. Joint
6923 use driveways may be located within required landscaping or setback areas. Driveways
6924 for all other developments may cross or be located within required setbacks or
6925 landscaped areas to provide access between the off-street parking areas and the street, if
6926 no more than ten percent of the required landscaping is displaced by the driveway and the
6927 driveway is located no closer than five feet from any property line except where
6928 intersecting the street.

6929 F. Parking spaces required under this title shall be located as follows:

6930 1. For single detached, duplex, triplex, or fourplex dwelling units the required
6931 parking spaces shall be outside of any required setbacks or landscaping, but driveways
6932 crossing setbacks and required landscaping may be used for parking. However, if the
6933 driveway is a joint use driveway, ~~((nø))~~ a vehicle parked on the driveway shall not
6934 obstruct any joint user's access to the driveway or parking spaces;

6935 2. For all other developments, parking spaces may be permitted by the director
6936 in setback areas in accordance with an approved landscape plan; and

6937 3. For nonresidential uses in rural area and residential zones, parking is
6938 permitted in setback areas in accordance with K.C.C. 21A.12.220.

6939 G. Lighting shall be provided for safety of traffic and pedestrian circulation on
6940 the site. It shall be designed to minimize direct illumination of abutting properties and
6941 adjacent streets. The director shall have the authority to waive the requirement to provide
6942 lighting.

6943 H. Tandem or end-to-end parking is allowed in residential developments.
6944 Duplex, triplex, fourplex, ~~((A))~~ apartment, or townhouse developments may have tandem
6945 parking areas for each dwelling unit but shall not combine parking for separate dwelling
6946 units in tandem parking areas.

6947 I. All vehicle parking and storage for single detached dwellings must be in a
6948 garage~~((;))~~ or carport or on an approved impervious surface. Any impervious surface
6949 used for vehicle parking or storage must have direct and unobstructed driveway access.

6950 J. The total number of vehicles parked or stored outside of a building on a single
6951 family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall

6952 not exceed six vehicles on lots that are twelve thousand five hundred square feet or less
6953 and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

6954 K. Vanpool and carpool parking areas shall meet the following minimum design
6955 standards:

6956 1. A minimum vertical clearance of seven feet three inches shall be provided to
6957 accommodate van vehicles if designated vanpool and carpool parking spaces are located
6958 in a parking structure; and

6959 2. A minimum turning radius of twenty-six feet four inches with a minimum
6960 turning diameter, curb to curb, of fifty-two feet five inches shall be provided from
6961 parking aisles to adjacent vanpool and carpool parking spaces.

6962 L. Direct access from the street (~~(right-of-way)~~) right of way to off-street parking
6963 areas shall be subject to K.C.C. 21A.28.120.

6964 M. No dead-end alley may provide access to more than eight off-street parking
6965 spaces.

6966 N. Any parking stalls located in enclosed buildings must be totally within the
6967 enclosed building.

6968 SECTION 133. Ordinance 10870, Section 417, and K.C.C. 21A.18.130 are hereby
6969 amended to read as follows:

6970 A. In any development containing more than (~~(20)~~) twenty parking spaces, up to
6971 (~~(50)~~) fifty percent of the total number of spaces may be sized to accommodate compact
6972 cars, subject to the following:

Ordinance

6973 ~~((A-))~~ 1. Each space shall be clearly identified as a compact car space by
 6974 painting the word "COMPACT" in capital letters, a minimum of 8 inches high, on the
 6975 pavement at the base of the parking space and centered between the striping; and

6976 ~~((B-))~~ 2. Aisle widths shall conform to the standards set for standard size cars(~~(;~~
 6977 ~~and))~~).

6978 ~~((C-))~~ B. Duplex, triplex, fourplex, or ~~((A))~~ apartment developments with less
 6979 than twenty parking spaces may designate up to ~~((40))~~ forty percent of the required
 6980 parking spaces as compact spaces.

6981 SECTION 134. Ordinance 13022, Section 26, as amended, and K.C.C. 21A.20.190
 6982 are hereby amended to read as follows:

6983 Community identification signs are permitted subject to the following
 6984 ~~((provisions))~~:

6985 A. Only Unincorporated Activity Centers(~~(, urban planned developments))~~) or
 6986 Rural Towns(~~(, or))~~) designated ~~((and delineated))~~ by the Comprehensive Plan, are
 6987 eligible to be identified with community identification signs. Identification signs for
 6988 Unincorporated Activity Centers(~~(, urban planned developments))~~) or Rural Towns shall
 6989 be placed along the boundaries identified by the Comprehensive Plan;

6990 B. Two types of community identification signs are permitted. Primary signs are
 6991 intended to mark the main arterial street entrances to a designated community,
 6992 Unincorporated Activity Center, ~~((urban planned development))~~, or Rural Town.
 6993 Auxiliary signs are intended to mark entrances to a designated community,
 6994 Unincorporated Activity Center, ~~((urban planned development))~~, or Rural Town along
 6995 local access streets;

Ordinance

6996 C. Primary signs are subject to the following ~~((provisions))~~:

6997 1. No more than four primary signs shall be allowed per Unincorporated Activity

6998 Center, ~~((urban-planned-development,))~~ Rural Town or designated community;

6999 2. Each primary sign shall be no more than thirty-two square feet in area and no

7000 more than six feet in height; and

7001 3. Primary signs shall only be located along arterial streets, outside of the

7002 ~~((right-of-way))~~;

7003 D. Auxiliary community identification signs are subject to the following

7004 ~~((provisions))~~:

7005 1. There shall be no limits on the number of auxiliary community identification

7006 signs allowed per Unincorporated Activity Center, ~~((urban-planned-development,))~~ Rural

7007 Town, or designated community; and

7008 2. Each auxiliary sign shall be no more than two square feet, and shall be

7009 located only outside of the ~~((right-of-way))~~; ~~((and))~~

7010 E. No commercial advertisement shall be permitted on either primary or auxiliary

7011 signs except as follows:

7012 1. When located on property within the RA, UR, R1-8₂ and R12-48 zones, signs

7013 may have a logo or other symbol of a community service or business group, such as

7014 Kiwanis, Chamber of Commerce₂, or a similar group, sponsoring construction of the sign

7015 or signs. Any permitted logo or symbol shall be limited to an area of no more than two

7016 square feet on primary signs and no more than seventy-two square inches on auxiliary

7017 signs; or

7018 2. When located on properties within the NB, CB, RB, O₂ and I zones, signs
7019 may have a logo or other symbol of the company, community service, or business group
7020 sponsoring construction of the sign or signs. Any permitted logo or symbol shall be
7021 limited to an area of no more than four square feet on primary signs and no more than
7022 seventy-two square inches on auxiliary signs; and

7023 F. Community identification signs shall be exempt from the provisions of K.C.C.
7024 21A.20.060.A. that require signs to be on-premise.

7025 SECTION 135. Ordinance 10870, Section 444, as amended, and K.C.C.
7026 21A.22.060 are hereby amended to read as follows:

7027 Except as otherwise provided in K.C.C. 21A.22.040, in addition to requirements
7028 in this title, all uses regulated under this chapter shall comply with the following
7029 standards:

7030 A. The minimum site area shall be ten acres;

7031 B. On sites larger than twenty acres, activities shall occur in phases to minimize
7032 environmental impacts. The size of each phase shall be determined during the review
7033 process;

7034 C. If the department determines they are necessary to eliminate a safety hazard,
7035 fences or alternatives to fences shall be:

7036 1. Provided in a manner that discourages access to areas of the site where:

7037 a. active extracting, processing, stockpiling, and loading of materials is
7038 occurring;

7039 b. boundaries are in common with residential or commercial zone property or
7040 public lands; or

Ordinance

7041 c. any unstable slope or any slope exceeding a grade of forty percent is present;

7042 2. At least six feet in height above the grade measured at a point five feet
7043 outside the fence and the fence material shall have no opening larger than two inches;

7044 3. Installed with lockable gates at all openings or entrances;

7045 4. No more than four inches from the ground to fence bottom; and

7046 5. Maintained in good repair;

7047 D. Warning and trespass signs advising of the use shall be placed on the
7048 perimeter of the site adjacent to RA, UR₂ or R zones at intervals no greater than two
7049 hundred feet along any unfenced portion of the site where the items noted in subsection
7050 C.1. of this section are present;

7051 E. Structural setbacks from property lines shall be as follows:

7052 1. Buildings, structures₂ and stockpiles used in the processing of materials shall
7053 be no closer than:

7054 a. one hundred feet from any residential zoned properties except that the
7055 setback may be reduced to fifty feet when the grade where such building or structures are
7056 proposed is fifty feet or greater below the grade of the residential zoned property;

7057 b. fifty feet from any other zoned property, except when adjacent to another
7058 use regulated under this chapter; and

7059 c. the greater of fifty feet from the edge of any public street or the setback from
7060 residential zoned property on the far side of the street; and

7061 2. Offices, scale facilities, equipment storage buildings₂ and stockpiles,
7062 including those for reclamation, shall not be closer than fifty feet from any property line
7063 except when adjacent to another use regulated under this chapter or M or F zoned

Ordinance

7064 property. Facilities necessary to control access to the site, when demonstrated to have no
7065 practical alternative, may be located closer to the property line;

7066 F. On-site clearing, grading, or excavation, excluding that necessary for required
7067 access, roadway, or storm drainage facility construction or activities in accordance with
7068 an approved reclamation plan, shall not be permitted within fifty feet of any property line
7069 except along any portion of the perimeter adjacent to another use regulated under this
7070 chapter or M or F zoned property. If native vegetation is restored, temporary disturbance
7071 resulting from construction of noise attenuation features located closer than fifty feet
7072 shall be permitted;

7073 G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except
7074 using only plantings native to the surrounding area, shall be provided along any portion
7075 of the site perimeter where site disturbances associated with a use regulated under this
7076 chapter are performed, except where adjacent to another use regulated under this chapter,
7077 forestry operation, or M or F-zoned property;

7078 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82
7079 shall be applied; (~~and~~)

7080 I. Lighting shall:

7081 1. Be limited to that required for security, lighting of structures and equipment,
7082 and vehicle operations; and

7083 2. Not directly glare onto surrounding properties; and

7084 J. Uses, buildings, structures, storage of equipment, and stockpile of materials not
7085 directly related to an approved mineral extraction use, reclamation plan, or materials
7086 processing use are prohibited.

7087 SECTION 136. Ordinance 15051, Section 137, as amended, and K.C.C.

7088 21A.24.045 are hereby amended to read as follows:

7089 A. Within the following seven critical areas and their buffers all alterations are
7090 allowed if the alteration complies with the development standards, impact avoidance and
7091 mitigation requirements, and other applicable requirements established in this chapter:

- 7092 1. Critical aquifer recharge area;
- 7093 2. Coal mine hazard area;
- 7094 3. Erosion hazard area;
- 7095 4. Flood hazard area except in the severe channel migration hazard area;
- 7096 5. Landslide hazard area under forty percent slope;
- 7097 6. Seismic hazard area; and
- 7098 7. Volcanic hazard area((s)).

7099 B. Within the following seven critical areas and their buffers, unless allowed as
7100 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
7101 subsection C. of this section are allowed if the alteration complies with conditions in
7102 subsection D. of this section and the development standards, impact avoidance and
7103 mitigation requirements and other applicable requirements established in this chapter:

- 7104 1. Severe channel migration hazard area;
- 7105 2. Landslide hazard area over forty percent slope;
- 7106 3. Steep slope hazard area;
- 7107 4. Wetland;
- 7108 5. Aquatic area;
- 7109 6. Wildlife habitat conservation area; and

Ordinance

7110 7. Wildlife habitat network.

7111 C. In the following table where an activity is included in more than one activity

7112 category, the numbered conditions applicable to the most specific description of the

7113 activity governs. Where more than one numbered condition appears for a listed activity,

7114 each of the relevant conditions specified for that activity within the given critical area

7115 applies. For alterations involving more than one critical area, compliance with the

7116 conditions applicable to each critical area is required.

A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Habitat Conservation Area and Wildlife Habitat Network
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair, or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21

Ordinance

Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Forest management activity	A	A	A	A	A 25
Roads					
Construction of new public road right-of-way structure on unimproved ((right-of-way)) <u>right of way</u>			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement, or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive, or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60

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Maintenance, repair, or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair, or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education, and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50

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Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond, or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or shoreline water oriented use				A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

7117 D. The following alteration conditions apply:

7118 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
7119 limitations of subsection D.3. of this section.

- 7120 2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that
7121 was created before January 1, 2005, if:
- 7122 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
7123 seventy-five percent of the lake frontage, whichever constitutes the most developable
7124 lake frontage, has existing density of four dwelling units per acre or more;
- 7125 b. the development proposal, including mitigation required by this chapter, will
7126 have the least adverse impact on the critical area;
- 7127 c. existing native vegetation within the critical area buffer will remain
7128 undisturbed except as necessary to accommodate the development proposal and required
7129 building setbacks;
- 7130 d. access is located to have the least adverse impact on the critical area and
7131 critical area buffer;
- 7132 e. the site alteration is the minimum necessary to accommodate the
7133 development proposal and in no case in excess of five thousand square feet;
- 7134 f. the alteration is no closer than:
- 7135 (1) on a site with a shoreline environment designation of high intensity or
7136 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots
7137 on either side of the subject property, as measured from the ordinary high water mark of
7138 the lake shoreline;
- 7139 (2) on a site with a shoreline environment designation of rural, conservancy,
7140 resource, or forestry, the greater of fifty feet or the average of the setbacks on adjacent
7141 lots on either side of the subject property, as measured from the ordinary high water
7142 mark; and
-

7143 (3) on a site with a shoreline environment designation of natural, the greater
7144 of one hundred feet or the average of the setbacks on adjacent lots on either side of the
7145 subject property, as measured from the ordinary high water mark; and

7146 g. to the maximum extent practical, alterations are mitigated on the
7147 development proposal site by enhancing or restoring remaining critical area buffers.

7148 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows
7149 ~~((or))~~, buffers of wetlands, or aquatic areas where:

7150 a. the site is predominantly used for the practice of agriculture;

7151 b. the structure is in compliance with an approved farm management plan in
7152 accordance with K.C.C. 21A.24.051;

7153 c. the structure is either:

7154 (1) on or adjacent to existing nonresidential impervious surface areas,
7155 additional impervious surface area is not created waterward of any existing impervious
7156 surface areas and the area was not used for crop production;

7157 (2) higher in elevation and no closer to the critical area than its existing
7158 position; or

7159 (3) at a location away from existing impervious surface areas that is
7160 determined to be the optimum site in the farm management plan;

7161 d. all best management practices associated with the structure specified in the
7162 farm management plan are installed and maintained;

7163 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
7164 require the development of a farm management plan if required best management

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7165 practices are followed and the installation does not require clearing of critical areas or
7166 their buffers; and

7167 f. in a severe channel migration hazard area portion of an aquatic buffer only
7168 if:

7169 (1) there is no feasible alternative location on-site;

7170 (2) the structure is located where it is least subject to risk from channel
7171 migration;

7172 (3) the structure is not used to house animals or store hazardous substances;
7173 and

7174 (4) the total footprint of all accessory structures within the severe channel
7175 migration hazard area will not exceed the greater of one thousand square feet or two
7176 percent of the severe channel migration hazard area on the site.

7177 4. No clearing, external construction, or other disturbance in a wildlife habitat
7178 conservation area is allowed during breeding seasons established under K.C.C.
7179 21A.24.382.

7180 5. Allowed for structures when:

7181 a. the landslide hazard poses little or no risk of injury;

7182 b. the risk of landsliding is low; and

7183 c. there is not an expansion of the structure.

7184 6. Within a severe channel migration hazard area allowed for:

7185 a. existing legally established primary structures if:

7186 (1) there is not an increase of the footprint of any existing structure; and

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7187 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

7188 and

7189 b. existing legally established accessory structures if:

7190 (1) additions to the footprint will not make the total footprint of all existing

7191 structures more than one-thousand square feet; and

7192 (2) there is not an expansion of the footprint towards any source of channel

7193 migration hazard, unless the applicant demonstrates that the location is less subject to risk

7194 and has less impact on the critical area.

7195 7. Allowed only in grazed wet meadows or the buffer or building setback

7196 outside a severe channel migration hazard area if:

7197 a. the expansion or replacement does not increase the footprint of a

7198 nonresidential structure;

7199 b.(1) for a legally established dwelling unit, the expansion or replacement,

7200 including any expansion of a legally established accessory structure allowed under this

7201 subsection B.7.b., does not increase the footprint of the dwelling unit and all other

7202 structures by more than one thousand square feet, not including any expansion of a

7203 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent

7204 practical, the replacement or expansion of a drainfield in the buffer should be located

7205 within areas of existing lawn or landscaping, unless another location will have a lesser

7206 impact on the critical area and its buffer;

7207 (2) for a structure accessory to a dwelling unit, the expansion or replacement

7208 is located on or adjacent to existing impervious surface areas and does not result in a

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- 7209 cumulative increase in the footprint of the accessory structure and the dwelling unit by
7210 more than one thousand square feet;
- 7211 (3) the location of the expansion has the least adverse impact on the critical
7212 area; and
- 7213 (4) a comparable area of degraded buffer area shall be enhanced through
7214 removal of nonnative plants and replacement with native vegetation in accordance with
7215 an approved landscaping plan;
- 7216 c. the structure was not established as the result of an alteration exception,
7217 variance, buffer averaging or reasonable use exception;
- 7218 d. to the maximum extent practical, the expansion or replacement is not
7219 located closer to the critical area or within the relic of a channel that can be connected to
7220 an aquatic area; and
- 7221 e. The expansion of a residential structure in the buffer of a Type S aquatic
7222 area that extends towards the ordinary high water mark requires a shoreline variance if:
- 7223 (1) the expansion is within thirty-five feet of the ordinary high water mark; or
7224 (2) the expansion is between thirty-five and fifty feet of the ordinary high
7225 water mark and the area of the expansion extending towards the ordinary high water mark
7226 is greater than three hundred square feet.
- 7227 8. Allowed upon another portion of an existing impervious surface outside a
7228 severe channel migration hazard area if:
- 7229 a. except as otherwise allowed under subsection D.7. of this section, the
7230 structure is not located closer to the critical area;

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- 7231 b. except as otherwise allowed under subsection D.7. of this section, the
7232 existing impervious surface within the critical area or buffer is not expanded; and
- 7233 c. the degraded buffer area is enhanced through removal of nonnative plants
7234 and replacement with native vegetation in accordance with an approved landscaping plan.
- 7235 9. Limited to piers or seasonal floating docks in a category II, III, or IV wetland
7236 or its buffer or along a lake shoreline or its buffer where:
- 7237 a. the vegetation where the alteration is proposed does not consist of dominant
7238 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
7239 of this vegetation is not the result of any violation of law;
- 7240 b. the wetland or lake shoreline is not a salmonid spawning area;
- 7241 c. hazardous substances or toxic materials are not used; and
- 7242 d. if located in a freshwater lake, the pier or dock conforms to the standards for
7243 docks under K.C.C. 21A.25.180.
- 7244 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
7245 materials are not used.
- 7246 11. Allowed on type S or F aquatic areas outside of the severe channel
7247 migration hazard area if in compliance with K.C.C. 21A.25.180.
- 7248 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.
- 7249 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
7250 grading activity.
- 7251 14. The following are allowed in the severe channel migration hazard area if
7252 conducted more than one hundred sixty-five feet from the ordinary high water mark in

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7253 the rural area and natural resource lands and one-hundred fifteen feet from the ordinary
7254 high water mark in the urban area:

- 7255 a. grading of up to fifty cubic yards on lot less than five acres; and
7256 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
7257 percent of the severe channel migration hazard area.

7258 15. Only where erosion or landsliding threatens a structure, utility facility,
7259 roadway, driveway, public trails, aquatic area₂ or wetland if, to the maximum extent
7260 practical, stabilization work does not disturb the slope and its vegetative cover and any
7261 associated critical areas.

7262 16. Allowed when performed by, at the direction of or authorized by a
7263 government agency in accordance with regional road maintenance guidelines.

7264 17. Allowed when not performed under the direction of a government agency
7265 only if:

7266 a. the maintenance or expansion does not involve the use of herbicides,
7267 hazardous substances, sealants₂ or other liquid oily substances in aquatic areas((7)) or
7268 wetlands₂ or their buffers; and

7269 b. when maintenance, expansion₂ or replacement of bridges or culverts
7270 involves water used by salmonids:

7271 (1) the work is in compliance with ditch standards in public rule; and

7272 (2) the maintenance of culverts is limited to removal of sediment and debris
7273 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
7274 damaged bank or channel immediately adjacent to the culvert and shall not involve the
7275 excavation of a new sediment trap adjacent to the inlet.

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- 7276 18. Allowed for the removal of hazard trees and vegetation as necessary for
7277 surveying or testing purposes.
- 7278 19. The limited trimming, pruning, or removal of vegetation under a vegetation
7279 management plan approved by the department:
- 7280 a. in steep slope and landslide hazard areas, for the making and maintenance of
7281 view corridors; and
- 7282 b. in all critical areas for habitat enhancement, invasive species control, or
7283 forest management activities.
- 7284 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or
7285 fruits, for restoration and enhancement projects is allowed.
- 7286 21. Cutting of firewood is subject to the following:
- 7287 a. within a wildlife habitat conservation area, cutting firewood is not allowed;
- 7288 b. within a wildlife network, cutting shall be in accordance with a management
7289 plan approved under K.C.C. 21A.24.386; and
- 7290 c. within a critical area buffer, cutting shall be for personal use and in
7291 accordance with an approved forest management plan or rural stewardship plan.
- 7292 22. Allowed only in buffers if in accordance with (~~best management practices~~
7293 ~~approved by the King County fire marshal~~) K.C.C. chapter 16.82.
- 7294 23. Allowed as follows:
- 7295 a. if conducted in accordance with an approved forest management plan, farm
7296 management plan, or rural stewardship plan; or
- 7297 b. without an approved forest management plan, farm management plan or
7298 rural stewardship plan, only if:
-

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7299 (1) removal is undertaken with hand labor, including hand-held mechanical
7300 tools, unless the King County noxious weed control board otherwise prescribes the use of
7301 riding mowers, light mechanical cultivating equipment, or herbicides or biological
7302 control methods;

7303 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

7304 (3) the cleared area is revegetated with native vegetation and stabilized
7305 against erosion; and

7306 (4) herbicide use is in accordance with federal and state law;

7307 24. Allowed to repair or replace existing on site wastewater disposal systems in
7308 accordance with the applicable public health standards within Marine Recovery Areas
7309 adopted by ~~((the I))~~ public ~~((H))~~ health - Seattle & King County and:

7310 a. there is no alternative location available with less impact on the critical area;

7311 b. impacts to the critical area are minimized to the maximum extent

7312 practicable;

7313 c. the alterations will not subject the critical area to increased risk of landslide

7314 or erosion;

7315 d. vegetation removal is the minimum necessary to accommodate the septic

7316 system; and

7317 e. significant risk of personal injury is eliminated or minimized in the landslide

7318 hazard area.

7319 25. Only if in compliance with published Washington state Department of Fish
7320 and Wildlife and Washington state Department of Natural Resources Management
7321 standards for the species. If there are no published Washington state standards, only if in

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7322 compliance with management standards determined by the county to be consistent with
7323 best available science.

7324 26. Allowed only if:

7325 a. there is not another feasible location with less adverse impact on the critical
7326 area and its buffer;

7327 b. the corridor is not located over habitat used for salmonid rearing or
7328 spawning or by a species listed as endangered or threatened by the state or federal
7329 government unless the department determines that there is no other feasible crossing
7330 site((-));

7331 c. the corridor width is minimized to the maximum extent practical;

7332 d. the construction occurs during approved periods for instream work;

7333 e. the corridor will not change or diminish the overall aquatic area flow peaks,
7334 duration, or volume or the flood storage capacity; and

7335 f. no new public (~~right-of-way~~) right of way is established within a severe
7336 channel migration hazard area.

7337 27. To the maximum extent practical, during breeding season established under
7338 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy
7339 equipment are not operated within a wildlife habitat conservation area.

7340 28. Allowed only if:

7341 a. an alternative access is not available;

7342 b. impact to the critical area is minimized to the maximum extent practical
7343 including the use of walls to limit the amount of cut and fill necessary;

7344 c. the risk associated with landslide and erosion is minimized;

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7345 d. access is located where it is least subject to risk from channel migration; and

7346 e. construction occurs during approved periods for instream work.

7347 29. Only if in compliance with a farm management plan in accordance with

7348 K.C.C. 21A.24.051.

7349 30. Allowed only if:

7350 a. the new construction or replacement is made fish passable in accordance

7351 with the most recent Washington state Department of Fish and Wildlife manuals or with

7352 the National Marine and Fisheries Services guidelines for federally listed salmonid

7353 species; and

7354 b. the site is restored with appropriate native vegetation.

7355 31. Allowed if necessary to bring the bridge or culvert up to current standards

7356 and if:

7357 a. there is not another feasible alternative available with less impact on the

7358 aquatic area and its buffer; and

7359 b. to the maximum extent practical, the bridge or culvert is located to minimize

7360 impacts to the aquatic area and its buffers.

7361 32. Allowed in an existing roadway if conducted consistent with the regional

7362 road maintenance guidelines.

7363 33. Allowed outside the roadway if:

7364 a. the alterations will not subject the critical area to an increased risk of

7365 landslide or erosion;

7366 b. vegetation removal is the minimum necessary to locate the utility or

7367 construct the corridor; and

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7368 c. significant risk of personal injury is eliminated or minimized in the landslide
7369 hazard area.

7370 34. Limited to the pipelines, cables, wires, and support structures of utility
7371 facilities within utility corridors if:

7372 a. there is no alternative location with less adverse impact on the critical area
7373 and critical area buffer;

7374 b. new utility corridors meet the all of the following to the maximum extent
7375 practical:

7376 (1) are not located over habitat used for salmonid rearing or spawning or by a
7377 species listed as endangered or threatened by the state or federal government unless the
7378 department determines that there is no other feasible crossing site;

7379 (2) the mean annual flow rate is less than twenty cubic feet per second; and

7380 (3) paralleling the channel or following a down-valley route near the channel
7381 is avoided;

7382 c. to the maximum extent practical utility corridors are located so that:

7383 (1) the width is the minimized;

7384 (2) the removal of trees greater than twelve inches diameter at breast height is
7385 minimized;

7386 (3) an additional, contiguous, and undisturbed critical area buffer, equal in
7387 area to the disturbed critical area buffer area including any allowed maintenance roads, is
7388 provided to protect the critical area;

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7389 d. to the maximum extent practical, access for maintenance is at limited access
7390 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
7391 maintenance road is necessary the following standards are met:

7392 (1) to the maximum extent practical the width of the maintenance road is
7393 minimized and in no event greater than fifteen feet; and

7394 (2) the location of the maintenance road is contiguous to the utility corridor
7395 on the side of the utility corridor farthest from the critical area;

7396 e. the utility corridor or facility will not adversely impact the overall critical
7397 area hydrology or diminish flood storage capacity;

7398 f. the construction occurs during approved periods for instream work;

7399 g. the utility corridor serves multiple purposes and properties to the maximum
7400 extent practical;

7401 h. bridges or other construction techniques that do not disturb the critical areas
7402 are used to the maximum extent practical;

7403 i. bored, drilled, or other trenchless crossing is laterally constructed at least
7404 four feet below the maximum depth of scour for the base flood;

7405 j. bridge piers or abutments for bridge crossing are not placed within the
7406 FEMA floodway or the ordinary high water mark;

7407 k. open trenching is only used during low flow periods or only within aquatic
7408 areas when they are dry. The department may approve open trenching of type S or F
7409 aquatic areas only if there is not a feasible alternative and equivalent or greater
7410 environmental protection can be achieved; and

7411 l. minor communication facilities may collocate on existing utility facilities if:

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- 7412 (1) no new transmission support structure is required; and
- 7413 (2) equipment cabinets are located on the transmission support structure.
- 7414 35. Allowed only for new utility facilities in existing utility corridors.
- 7415 36. Allowed for onsite private individual utility service connections or private
- 7416 or public utilities if the disturbed area is not expanded and no hazardous substances,
- 7417 pesticides or fertilizers are applied.
- 7418 37. Allowed if the disturbed area is not expanded, clearing is limited to the
- 7419 maximum extent practical and no hazardous substances, pesticides, or fertilizers are
- 7420 applied.
- 7421 38. Allowed if:
- 7422 a. conveying the surface water into the wetland or aquatic area buffer and
- 7423 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
- 7424 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
- 7425 than if the surface water were discharged at the buffer's edge and allowed to naturally
- 7426 drain through the buffer;
- 7427 b. the volume of discharge is minimized through application of low impact
- 7428 development and water quality measures identified in the King County Surface Water
- 7429 Design Manual;
- 7430 c. the conveyance and outfall are installed with hand equipment where
- 7431 feasible;
- 7432 d. the outfall shall include bioengineering techniques where feasible; and
- 7433 e. the outfall is designed to minimize adverse impacts to critical areas.
- 7434 39. Allowed only if:

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- 7435 a. there is no feasible alternative with less impact on the critical area and its
7436 buffer;
- 7437 b. to the maximum extent practical, the bridge or culvert is located to minimize
7438 impacts to the critical area and its buffer;
- 7439 c. the bridge or culvert is not located over habitat used for salmonid rearing or
7440 spawning unless there is no other feasible crossing site;
- 7441 d. construction occurs during approved periods for in-stream work; and
- 7442 e. bridge piers or abutments for bridge crossings are not placed within the
7443 FEMA floodway, severe channel migration hazard area₂, or waterward of the ordinary
7444 high water mark.
- 7445 40. Allowed for an open, vegetated stormwater management conveyance system
7446 and outfall structure that simulates natural conditions if:
- 7447 a. fish habitat features necessary for feeding, cover and reproduction are
7448 included when appropriate;
- 7449 b. vegetation is maintained and added adjacent to all open channels and ponds,
7450 if necessary to prevent erosion, filter out sediments₂, or shade the water; and
- 7451 c. bioengineering techniques are used to the maximum extent practical.
- 7452 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 7453 a. necessary to avoid erosion of slopes; and
- 7454 b. bioengineering techniques are used to the maximum extent practical.
- 7455 42. Allowed in a severe channel migration hazard area or an aquatic area buffer
7456 to prevent bank erosion only:

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- 7457 a. if consistent with the Integrated Streambank Protection Guidelines
7458 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
7459 techniques are used to the maximum extent practical, unless the applicant demonstrates
7460 that other methods provide equivalent structural stabilization and environmental function;
- 7461 b. based on a critical areas report, the department determines that the new
7462 flood protection facility will not cause significant impacts to upstream or downstream
7463 properties; and
- 7464 c. to prevent bank erosion for the protection of:
- 7465 (1) public roadways;
- 7466 (2) sole access routes in existence before February 16, 1995;
- 7467 (3) new primary dwelling units, accessory dwelling units or accessory living
7468 quarters and residential accessory structures located outside the severe channel migration
7469 hazard area if:
- 7470 (a) the site is adjacent to or abutted by properties on both sides containing
7471 buildings or sole access routes protected by legal bank stabilization in existence before
7472 February 16, 1995. The buildings, sole access routes or bank stabilization must be
7473 located no more than six hundred feet apart as measured parallel to the migrating
7474 channel; and
- 7475 (b) the new primary dwelling units, accessory dwelling units, accessory
7476 living quarters, or residential accessory structures are located no closer to the aquatic area
7477 than existing primary dwelling units, accessory dwelling units, accessory living quarters,
7478 or residential accessory structures on abutting or adjacent properties; or

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7479 (4) existing primary dwelling units, accessory dwelling units, accessory living
7480 quarters, or residential accessory structures if:

7481 (a) the structure was in existence before the adoption date of a King County
7482 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

7483 (b) the structure is in imminent danger, as determined by a geologist,
7484 engineering geologist, or geotechnical engineer;

7485 (c) the applicant has demonstrated that the existing structure is at risk, and
7486 the structure and supporting infrastructure cannot be relocated on the lot further from the
7487 source of channel migration; and

7488 (d) nonstructural measures are not feasible.

7489 43. Applies to lawfully established existing structures if:

7490 a. the height of the facility is not increased, unless the facility is being replaced
7491 in a new alignment that is landward of the previous alignment and enhances aquatic area
7492 habitat and process;

7493 b. the linear length of the facility is not increased, unless the facility is being
7494 replaced in a new alignment that is landward of the previous alignment and enhances
7495 aquatic area habitat and process;

7496 c. the footprint of the facility is not expanded waterward;

7497 d. consistent with the Integrated Streambank Protection Guidelines

7498 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
7499 techniques are used to the maximum extent practical;

7500 e. the site is restored with appropriate native vegetation and erosion protection
7501 materials; and

7502 f. based on a critical areas report, the department determines that the
7503 maintenance, repair, replacement, or construction will not cause significant impacts to
7504 upstream or downstream properties.

7505 44. Allowed in type N and O aquatic areas if done in least impacting way at
7506 least impacting time of year, in conformance with applicable best management practices,
7507 and all affected instream and buffer features are restored.

7508 45. Allowed in a type S or F water when such work is:

7509 a. included as part of a project to evaluate, restore, or improve habitat, and

7510 b. sponsored or cosponsored by a public agency that has natural resource
7511 management as a function or by a federally recognized tribe.

7512 46. Allowed as long as the trail is not constructed of impervious surfaces that
7513 will contribute to surface water run-off, unless the construction is necessary for soil
7514 stabilization or soil erosion prevention or unless the trail system is specifically designed
7515 and intended to be accessible to handicapped persons.

7516 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in
7517 the buffer or for crossing a category II, III, or IV wetland or a type F, N, or O aquatic
7518 area, if:

7519 a. the trail surface is made of pervious materials, except that public
7520 multipurpose trails may be made of impervious materials if they meet all the
7521 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
7522 be constructed as a raised boardwalk or bridge;

7523 b. to the maximum extent practical, buffers are expanded equal to the width of
7524 the trail corridor including disturbed areas;

Ordinance

7525 c. there is not another feasible location with less adverse impact on the critical
7526 area and its buffer;

7527 d. the trail is not located over habitat used for salmonid rearing or spawning or
7528 by a species listed as endangered or threatened by the state or federal government unless
7529 the department determines that there is no other feasible crossing site;

7530 e. the trail width is minimized to the maximum extent practical;

7531 f. the construction occurs during approved periods for instream work; and

7532 g. the trail corridor will not change or diminish the overall aquatic area flow
7533 peaks, duration or volume or the flood storage capacity.

7534 h. the trail may be located across a critical area buffer for access to a viewing
7535 platform or to a permitted dock or pier;

7536 i. A private viewing platform may be allowed if it is:

7537 (1) located upland from the wetland edge or the ordinary high water mark of
7538 an aquatic area;

7539 (2) located where it will not be detrimental to the functions of the wetland or
7540 aquatic area and will have the least adverse environmental impact on the critical area or
7541 its buffer;

7542 (3) limited to fifty square feet in size;

7543 (4) constructed of materials that are nontoxic; and

7544 (5) on footings located outside of the wetland or aquatic area.

7545 48. Only if the maintenance:

7546 a. does not involve the use of herbicides or other hazardous substances except
7547 for the removal of noxious weeds or invasive vegetation;

Ordinance

7548 b. when salmonids are present, the maintenance is in compliance with ditch
7549 standards in public rule; and

7550 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
7551 culvert, engineered slope, or other improved area being maintained.

7552 49. Limited to alterations to restore habitat forming processes or directly restore
7553 habitat function and value, including access for construction, as follows:

7554 a. projects sponsored or cosponsored by a public agency that has natural
7555 resource management as a primary function or by a federally recognized tribe;

7556 b. restoration and enhancement plans prepared by a qualified biologist; or

7557 c. conducted in accordance with an approved forest management plan, farm
7558 management plan or rural stewardship plan.

7559 50. Allowed in accordance with a scientific sampling permit issued by
7560 Washington state Department of Fish and Wildlife or an incidental take permit issued
7561 under Section 10 of the Endangered Species Act.

7562 51. Allowed for the minimal clearing and grading, including site access,
7563 necessary to prepare critical area reports.

7564 52. The following are allowed if associated spoils are contained:

7565 a. data collection and research if carried out to the maximum extent practical
7566 by nonmechanical or hand-held equipment;

7567 b. survey monument placement;

7568 c. site exploration and gage installation if performed in accordance with state-
7569 approved sampling protocols and accomplished to the maximum extent practical by
7570 hand-held equipment and; or similar work associated with an incidental take permit

Ordinance

7571 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of
7572 the Endangered Species Act.

7573 53. Limited to activities in continuous existence since January 1, 2005, with no
7574 expansion within the critical area or critical area buffer. "Continuous existence" includes
7575 cyclical operations and managed periods of soil restoration, enhancement or other fallow
7576 states associated with these horticultural and agricultural activities.

7577 54. Allowed for expansion of existing or new agricultural activities where:

7578 a. the site is predominantly involved in the practice of agriculture;

7579 b. there is no expansion into an area that:

7580 (1) has been cleared under a class I, II, III, IV-S₂ or nonconversion IV-G
7581 forest practice permit; or

7582 (2) is more than ten thousand square feet with tree cover at a uniform density
7583 more than ninety trees per acre and with the predominant mainstream diameter of the
7584 trees at least four inches diameter at breast height, not including areas that are actively
7585 managed as agricultural crops for pulpwood, Christmas trees₂ or ornamental nursery
7586 stock;

7587 c. the activities are in compliance with an approved farm management plan in
7588 accordance with K.C.C. 21A.24.051; and

7589 d. all best management practices associated with the activities specified in the
7590 farm management plan are installed and maintained.

7591 55. Only allowed in grazed or tilled wet meadows or their buffers if:

Ordinance

7592 a. the facilities are designed to the standards of an approved farm management
7593 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
7594 accordance with K.C.C. chapter 21A.30;

7595 b. there is not a feasible alternative location available on the site; and

7596 c. the facilities are located close to the outside edge of the buffer to the
7597 maximum extent practical.

7598 56. Only allowed in:

7599 a.(1) a severe channel migration hazard area located outside of the shorelines
7600 jurisdiction area;

7601 (2) grazed or tilled wet meadow or wet meadow buffer; or

7602 (3) aquatic area buffer; and only if:

7603 b.(1) the applicant demonstrates that adverse impacts to the critical area and
7604 critical area buffers have been minimized;

7605 (2) there is not another feasible location available on the site that is located
7606 outside of the critical area or critical area buffer;

7607 (3) the farm pad is designed to the standards in an approved farm
7608 management plan in accordance with K.C.C. 21A.24.051; and

7609 (4) for proposals located in the severe channel migration hazard area, the
7610 farm pad or livestock manure storage facility is located where it is least subject to risk
7611 from channel migration.

7612 57. Allowed for new agricultural drainage in compliance with an approved farm
7613 management plan in accordance with K.C.C. 21A.24.051 and all best management

Ordinance

7614 practices associated with the activities specified in the farm management plan are
7615 installed and maintained.

7616 58. If the agricultural drainage is used by salmonids, maintenance shall be in
7617 compliance with an approved farm management plan in accordance with K.C.C.
7618 21A.24.051.

7619 59. Allowed within existing landscaped areas or other previously disturbed
7620 areas.

7621 60. Allowed for residential utility service distribution lines to residential
7622 dwellings, including, but not limited to, well water conveyance, septic system
7623 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

7624 a. there is no alternative location with less adverse impact on the critical area
7625 or the critical area buffer;

7626 b. the residential utility service distribution lines meet the all of the following,
7627 to the maximum extent practical:

7628 (1) are not located over habitat used for salmonid rearing or spawning or by a
7629 species listed as endangered or threatened by the state or federal government unless the
7630 department determines that there is no other feasible crossing site;

7631 (2) not located over a type S aquatic area;

7632 (3) paralleling the channel or following a down-valley route near the channel
7633 is avoided;

7634 (4) the width of clearing is minimized;

7635 (5) the removal of trees greater than twelve inches diameter at breast height is
7636 minimized;

Ordinance

7637 (6) an additional, contiguous and undisturbed critical area buffer, equal in
7638 area to the disturbed critical area buffer area is provided to protect the critical area;

7639 (7) access for maintenance is at limited access points into the critical area
7640 buffer.

7641 (8) the construction occurs during approved periods for instream work;

7642 (9) bored, drilled, or other trenchless crossing is encouraged, and shall be
7643 laterally constructed at least four feet below the maximum depth of scour for the base
7644 flood; and

7645 (10) open trenching across Type O or Type N aquatic areas is only used
7646 during low flow periods or only within aquatic areas when they are dry.

7647 61. Allowed if sponsored or cosponsored by the countywide flood control zone
7648 district and the department determines that the project and its location:

7649 a. is the best flood risk reduction alternative practicable;

7650 b. is part of a comprehensive, long-term flood management strategy;

7651 c. is consistent with the King County Flood Hazard Management Plan policies;

7652 d. will have the least adverse impact on the ecological functions of the critical
7653 area or its buffer, including habitat for fish and wildlife that are identified for protection
7654 in the King County Comprehensive Plan; and

7655 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

7656 62.a. Not allowed in wildlife habitat conservation areas;

7657 b. Only allowed if:

7658 (1) the project is sponsored or cosponsored by a public agency whose primary
7659 function deals with natural resources management;

Ordinance

- 7660 (2) the project is located on public land or on land that is owned by a
7661 nonprofit agency whose primary function deals with natural resources management;
- 7662 (3) there is not a feasible alternative location available on the site with less
7663 impact to the critical area or its associated buffer;
- 7664 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 7665 (5) the project minimizes the footprint of structures and the number of access
7666 points to any critical areas; and
- 7667 (6) the project meets the following design criteria:
- 7668 (a) to the maximum extent practical size of platform shall not exceed one
7669 hundred square feet;
- 7670 (b) all construction materials for any structures, including the platform,
7671 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as
7672 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
7673 fiberglass, or cured concrete that the department determines will not have an adverse
7674 impact on water quality;
- 7675 (c) the exterior of any structures are sufficiently camouflaged using netting
7676 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
7677 practical. The camouflage shall be maintained to retain concealment effectiveness;
- 7678 (d) structures shall be located outside of the wetland or aquatic area
7679 landward of the Ordinary High Water Mark or open water component (if applicable) to
7680 the maximum extent practical on the site;
- 7681 (e) construction occurs during approved periods for work inside the
7682 Ordinary High Water Mark;
-

Ordinance

7683 (f) construction associated with bird blinds shall not occur from March 1
7684 through August 31, in order to avoid disturbance to birds during the breeding, nesting,
7685 and rearing seasons;

7686 (g) to the maximum extent practical, provide accessibility for persons with
7687 physical disabilities in accordance with the International Building Code;

7688 (h) trail access is designed in accordance with public rules adopted by the
7689 department;

7690 (i) existing native vegetation within the critical area will remain undisturbed
7691 except as necessary to accommodate the proposal. Only minimal hand clearing of
7692 vegetation is allowed; and

7693 (j) disturbed bare ground areas around the structure must be replanted with
7694 native vegetation approved by the department.

7695 63. Not allowed in the severe channel migration zone, there is no alternative
7696 location with less adverse impact on the critical area and buffer and clearing is minimized
7697 to the maximum extent practical.

7698 64. Only structures wholly or partially supported by a tree and used as accessory
7699 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
7700 following:

7701 a. not allowed in wildlife habitat conservation areas or severe channel
7702 migration hazard areas;

7703 b. the structure's floor area shall not exceed two hundred square feet, excluding
7704 a narrow access stairway or landing leading to the structure;

Ordinance

7705 c. the structure shall be located as far from the critical area as practical, but in
7706 no case closer than seventy-five feet from the critical area;

7707 d. only one tree-supported structure within a critical area buffer is allowed on a
7708 lot;

7709 e. all construction materials for the structure, including the platform, pilings,
7710 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as
7711 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
7712 fiberglass, or cured concrete that the department determines will not have an adverse
7713 impact on water quality;

7714 f. to the maximum extent practical, the exterior of the structure shall be
7715 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
7716 and visibility from the critical area. The camouflage shall be maintained to retain
7717 concealment effectiveness;

7718 g. the structure must not adversely impact the long-term health and viability of
7719 the tree. The evaluation shall include, but not be limited to, the following:

7720 (1) the quantity of supporting anchors and connection points to attach the tree
7721 house to the tree shall be the minimum necessary to adequately support the structure;

7722 (2) the attachments shall be constructed using the best available tree anchor
7723 bolt technology; and

7724 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement
7725 of the tree house and shall submit a report discussing how the tree's long-term health and
7726 viability will not be negatively impacted by the tree house or associated infrastructure;

7727 h. exterior lighting shall meet the following criteria:

Ordinance

7728 (1) limited to the minimum quantity of lights necessary to meet the building
7729 code requirements to allow for safe exiting of the structure and stairway; and

7730 (2) exterior lights shall be fully shielded and shall direct light downward, in
7731 an attempt to minimize impacts to the nighttime environment;

7732 i. unless otherwise approved by the department, all external construction shall
7733 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
7734 species during typical breeding, nesting and rearing seasons;

7735 j. trail access to the structure shall be designed in accordance with trail
7736 standards under subsection D.47. of this section;

7737 k. to the maximum extent practical, existing native vegetation shall be left
7738 undisturbed. Only minimal hand clearing of vegetation is allowed; and

7739 l. vegetated areas within the critical area buffer that are temporarily impacted
7740 by construction of the structure shall be restored by planting native vegetation according
7741 to a vegetation management plan approved by the department.

7742 65. Shoreline water dependent and shoreline water oriented uses are allowed in
7743 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.
7744 chapter 21A.25, chapter 90.58 RCW, and the King County Comprehensive Plan.

7745 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
7746 21A.08.100B.14., and only as follows:

7747 a. there is not another feasible location within the aquatic area with less adverse
7748 impact on the critical area and its buffer;

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- 7749 b. the facility and corridor is not located over habitat used for salmonid rearing
7750 or spawning or by a species listed as endangered or threatened by the state or federal
7751 government unless the department determines that there is no other feasible location;
- 7752 c. the facility is not located in Category I wetlands or Category II wetlands with
7753 a habitat score of ((8)) eight points or greater;
- 7754 d. the corridor width is minimized to the maximum extent practical;
- 7755 e. paralleling the channel or following a down-valley route within an aquatic
7756 area buffer is avoided to the maximum extent practical;
- 7757 f. the construction occurs during approved periods for instream work;
- 7758 g. the facility and corridor will not change or adversely impact the overall
7759 aquatic area flow peaks, duration, or volume or the flood storage capacity;
- 7760 h. the facility and corridor is not located within a severe channel migration
7761 hazard area;
- 7762 i. to the maximum extent practical, buildings will be located outside the buffer
7763 and away from the aquatic area or wetland;
- 7764 j. to the maximum extent practical, access for maintenance is at limited access
7765 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
7766 maintenance road is necessary the following standards are met:
- 7767 (1) to the maximum extent practical the width of the maintenance road is
7768 minimized and in no event greater than fifteen feet; and
- 7769 (2) the location of the maintenance road is contiguous to the utility corridor
7770 on the side of the utility corridor farthest from the critical area;

Ordinance

7771 k. the facility does not pose an unreasonable threat to the public health, safety,
7772 or welfare on or off the development proposal site and is consistent with the general
7773 purposes of this chapter and the public interest; and

7774 l. the facility connects to or is an alteration to a public roadway, public trail, a
7775 utility corridor or utility facility or other infrastructure owned or operated by a public
7776 utility.

7777 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.
7778 21A.08.100.B.14, and only as follows:

7779 a. there is not another feasible location with less adverse impact on the critical
7780 area and its buffer;

7781 b. the alterations will not subject the critical area to an increased risk of
7782 landslide or erosion;

7783 c. the corridor width is minimized to the maximum extent practical;

7784 d. vegetation removal is the minimum necessary to locate the utility or
7785 construct the corridor;

7786 e. the facility and corridor do not pose an unreasonable threat to the public
7787 health, safety,² or welfare on or off the development proposal site and is consistent with
7788 the general purposes of this chapter, and the public interest and significant risk of
7789 personal injury is eliminated or minimized in the landslide hazard area; and

7790 f. the facility connects to or is an alteration to a public roadway, public trail, a
7791 utility corridor or utility facility,² or other infrastructure owned or operated by a public
7792 utility.

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7793 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
7794 only as follows:

7795 a. the heat exchanger must be a closed loop system that does not draw water
7796 from or discharge to the lake;

7797 b. the lake bed shall not be disturbed, except as required by the county or a
7798 state or federal agency to mitigate for impacts of the heat exchanger;

7799 c. the in-water portion of system is only allowed where water depth exceeds
7800 six feet; and

7801 d. system structural support for the heat exchanger piping shall be attached to
7802 an existing dock or pier or be attached to a new structure that meets the requirements of
7803 K.C.C. 21A.25.180.

7804 69. Only for maintenance of agricultural waterways if:

7805 a. the purpose of the maintenance project is to improve agricultural production
7806 on a site predominately engaged in the practice of agriculture;

7807 b. the maintenance project is conducted in compliance with a hydraulic project
7808 approval issued by the Washington state Department of Fish and Wildlife (~~pursuant to~~)
7809 in accordance with chapter 77.55 RCW;

7810 c. the maintenance project complies with the King County agricultural
7811 drainage assistance program as agreed to by the Washington state Department of Fish and
7812 Wildlife, the department of local services, permitting division, and the department of
7813 natural resources and parks, and as reviewed by the Washington state Department of
7814 Ecology;

7815 d. the person performing the maintenance and the land owner have attended
7816 training provided by King County on the King County agricultural drainage assistance
7817 program and the best management practices required under that program; and

7818 e. the maintenance project complies with K.C.C. chapter 16.82.

7819 SECTION 137. Ordinance 15051, Section 151, as amended, and K.C.C.

7820 21A.24.133 are hereby amended to read as follows:

7821 A. To the maximum extent practical, an applicant shall mitigate adverse impacts to
7822 a wetland, aquatic area, wildlife habitat conservation area or wildlife habitat network on or
7823 contiguous to the development site. The department may approve mitigation that is off the
7824 development site if an applicant demonstrates that:

7825 1. It is not practical to mitigate on or contiguous to the development proposal site;

7826 and

7827 2. The off-site mitigation will achieve equivalent or greater hydrological, water
7828 quality, and wetland or aquatic area habitat functions.

7829 B. When off-site mitigation is authorized, the department shall give priority to
7830 locations within the same drainage subbasin as the development proposal site that meet the
7831 following:

7832 1. Mitigation banking sites and resource mitigation reserves as authorized by this
7833 chapter;

7834 2. Private mitigation sites that are established in compliance with the requirements
7835 of this chapter and approved by the department; and

7836 3. Public mitigation sites that have been ranked in a process that has been
7837 supported by ecological assessments, including wetland and aquatic areas established as
7838 priorities for mitigation in King County (~~(basin plans or other)~~) watershed plans.

7839 C. The department may require documentation that the mitigation site has been
7840 permanently preserved from future development or alteration that would be inconsistent
7841 with the functions of the mitigation. The documentation may include, but is not limited to, a
7842 conservation easement or other agreement between the applicant and owner of the
7843 mitigation site. King County may enter into agreements or become a party to any easement
7844 or other agreement necessary to ensure that the site continues to exist in its mitigated
7845 condition.

7846 D. The department shall maintain a list of sites available for use for off-site
7847 mitigation projects.

7848 E.1. The department and the department of natural resources and parks have
7849 (~~(develop)~~) developed a program to allow the payment of a fee in lieu of providing
7850 mitigation on a development site. The program addresses:

7851 a. when the payment of a fee is allowed considering the availability of a site in
7852 geographic proximity with comparable hydrologic and biological functions and potential for
7853 future habitat fragmentation and degradation; and

7854 b. the use of the fees for mitigation on public or private sites that have been
7855 ranked according to ecological criteria through one or more programs that have included a
7856 public process.

7857 2. The in lieu fee mitigation program shall submit a report by May 1 in the first
7858 year of the biennial budget cycle, filed in the form of a paper original and an electronic copy

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7859 with the clerk of the council, who shall retain the original and provide an electronic copy to
 7860 all councilmembers, the council chief of staff, and the lead staff for the transportation
 7861 economy and environment committee or its successor. The report should address the
 7862 following:

- 7863 a. information on the amount and source of revenues received by the program;
- 7864 b. a description and rationale for projects selected for funding;
- 7865 c. an accounting of budgeted and actual expenditures made; and
- 7866 d. the status of all projects approved in the previous five years, and anticipated
 7867 completion date for those projects, if not yet complete.

7868 SECTION 138. Ordinance 10870, Section 469, as amended, and K.C.C.

7869 21A.24.220 are hereby amended to read as follows:

7870 The following development standards apply to development proposals and
 7871 alterations on sites containing erosion hazard areas:

7872 A. Clearing in an erosion hazard area is allowed only from April 1 to October 1,
 7873 except that:

- 7874 1. Clearing of up to fifteen-thousand square feet within the erosion hazard area
 7875 may occur at any time on a lot;
- 7876 2. Clearing of noxious weeds may occur at any time; and
- 7877 3. Forest practices regulated by the department are allowed at any time in
 7878 accordance with a clearing and grading permit if the harvest is in conformance with
 7879 chapter 76.09 RCW and Title 222 WAC;

7880 B. All subdivisions, short subdivisions, or binding site plans (~~or urban-planned~~
 7881 ~~developments~~)) on sites with erosion hazard areas shall retain existing vegetation in all

7882 erosion hazard areas until building permits are approved for development on individual
7883 lots. The department may approve clearing of vegetation on lots if:

- 7884 1. The clearing is a necessary part of a large scale grading plan; and
- 7885 2. It is not feasible to perform the grading on an individual lot basis; and

7886 C. If the department determines that erosion from a development site poses a
7887 significant risk of damage to downstream wetlands or aquatic areas, based either on the
7888 size of the project, the proximity to the receiving water, or the sensitivity of the receiving
7889 water, the applicant shall provide regular monitoring of surface water discharge from the
7890 site. If the project does not meet water quality standards established by law or public
7891 rules, the county may suspend further development work on the site until such standards
7892 are met.

7893 SECTION 139. Ordinance 10870, Section 470, as amended, and K.C.C.

7894 21A.24.230 are hereby amended to read as follows:

7895 A. The regulated flood hazard area consists of one or more of the following
7896 components:

- 7897 1. Floodplain;
- 7898 2. Zero-rise flood fringe;
- 7899 3. Zero-rise floodway;
- 7900 4. FEMA floodway; and
- 7901 5. Channel migration zones.

7902 B. The FEMA floodway and floodplain are identified in a scientific and engineering
7903 report entitled Flood Insurance Study for King County, Washington and Incorporated Areas,

Ordinance

7904 dated August 19, 2020, with accompanying Flood Insurance Rate Maps, and any revisions
7905 thereto.

7906 C.1. The department may delineate or require a delineation of a flood hazard area
7907 using data or information from any of the following sources, but only if the data is at least as
7908 restrictive as the data in the Flood Insurance Study and Flood Insurance Rate Maps
7909 referenced in subsection B. of this section. The department may also use data from the
7910 following sources to determine base flood elevations, floodway boundaries, or other
7911 regulatory flood information:

- 7912 a. Flood Insurance Study;
- 7913 b. Flood Insurance Rate Maps;
- 7914 c. Preliminary Flood Insurance Study or pending Flood Insurance Study;
- 7915 d. Preliminary Flood Insurance Rate Maps or pending Flood Insurance Rate
7916 Maps;
- 7917 e. draft flood boundary work maps and associated technical reports;
- 7918 f. critical area reports prepared in accordance with FEMA standards contained in
7919 44 C.F.R. Part 65 and consistent with the King County Surface Water Design Manual
7920 provisions for floodplain analysis;
- 7921 g. letters of map change;
- 7922 h. channel migration zone maps and studies;
- 7923 i. historical flood hazard information;
- 7924 j. ~~((basin plan or))~~ hydrologic study that includes projected flows under future
7925 developed conditions that have been completed and approved by King County; and

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7926 k. any other available data that accurately classifies and delineates the flood
7927 hazard area or base flood elevation.

7928 2. When there are multiple sources of flood hazard data for flood hazard area
7929 boundaries, FEMA floodway or zero-rise floodway boundaries, base flood elevations or
7930 cross-sections, the department may determine which data most accurately classifies and
7931 delineates the flood hazard area, as long as the data is at least as restrictive as the Flood
7932 Insurance Study and Flood Insurance Maps referenced in subsection B. of this section.

7933 D. Proof that a land use or development activity is occurring within the area mapped
7934 on the Flood Insurance Rate Maps shall be sufficient, but not required, to prove that the area
7935 of concern is subject to inundation by the base flood in an action to enforce code compliance
7936 under K.C.C. Title 23.

7937 E. A number of channel migration zones are mapped by the county for portions of
7938 river systems. These channel migration zones and the criteria and process used to designate
7939 and classify channel migration zones are specified by public rule adopted by the department.
7940 An applicant for a development proposal may submit a critical area report to the department
7941 to determine channel migration zone boundaries or classify channel migration hazard areas
7942 on a specific property if there is an apparent discrepancy between the site-specific conditions
7943 or data and the adopted channel migration zone maps.

7944 SECTION 140. Ordinance 10870, Section 471, as amended, and K.C.C.

7945 21A.24.240 are hereby amended to read as follows:

7946 The following development standards apply to floodplain development and
7947 alterations on sites within the zero-rise flood fringe:

7948 A. Floodplain development and alterations shall not reduce the effective base flood
7949 storage volume of the floodplain. Floodplain development shall provide compensatory
7950 storage if grading or other activity displaces any effective flood storage volume.

7951 Compensatory storage is not required for grading or fill placed within the foundation of an
7952 existing residential building to bring the interior foundation grade to the same level as the
7953 lowest adjacent exterior grade. Compensatory storage shall:

7954 1. Provide equivalent volume at equivalent elevations to that which is being
7955 displaced. For this purpose, equivalent elevations means having similar relationship to
7956 ordinary high water and to the best available ten-year, fifty-year, and one-hundred-year
7957 water surface profiles. If the difference between the fifty-year and the one-hundred-year
7958 surface profiles is less than one foot, equivalent elevations means having similar
7959 relationships to ordinary high water and to the best available ten-year and one-hundred-year
7960 water surface profiles;

7961 2. Hydraulically connect to the source of flooding;

7962 3. Provide compensatory storage in the same construction season as when the
7963 displacement of flood storage volume occurs and before the flood season begins on
7964 September 30 for that year;

7965 4. Occur on the site. The director may approve equivalent compensatory storage
7966 off the site if legal arrangements, acceptable to the department, are made to ensure that the
7967 effective compensatory storage volume will be preserved over time; and

7968 5. The director may approve of off-site compensatory storage through a
7969 compensatory storage bank managed by the department of natural resources and parks;

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7970 B. A structural engineer shall design and certify all elevated buildings and submit
7971 the design to the department;

7972 C. A civil engineer shall prepare a base flood depth and base flood velocity analysis
7973 and submit the analysis to the department. A base flood depth and base flood velocity
7974 analysis is not required for agricultural buildings. Floodplain development and alterations
7975 are not allowed if the base flood depth exceeds three feet and the base flood velocity
7976 exceeds three feet per second, except for the following projects:

- 7977 1. Agricultural structures and farm pads;
- 7978 2. Roads and bridges;
- 7979 3. Utilities;
- 7980 4. Surface water flow control or surface water conveyance systems;
- 7981 5. Public park structures; and
- 7982 6. Flood hazard mitigation projects, such as, but not limited to construction, repair,
7983 or replacement of flood protection facilities or for building elevations or relocations;

7984 D. Subdivisions, short subdivisions, (~~urban planned developments~~) and binding
7985 site plans should be consistent with the need to minimize flood damage within the flood
7986 hazard area and shall meet the following requirements:

7987 1. New building lots shall include five thousand square feet or more of buildable
7988 land outside the zero-rise floodway;

7989 2. All public infrastructure and utilities such as sewer, gas, electrical, and water
7990 systems are consistent with subsection J. of this section;

7991 3. A civil engineer shall prepare detailed base flood elevations in accordance with
7992 FEMA guidelines for all new lots;

7993 4. A development proposal shall provide adequate drainage in accordance with the
7994 King County Surface Water Design Manual to reduce exposure to flood damage; and

7995 5. The face of the recorded subdivision, short subdivision, (~~urban planned~~
7996 ~~development~~) or binding site plan shall include the following for all lots:

7997 a. setback areas restricting structures to designated buildable areas;

7998 b. base flood data and sources and flood hazard notes including, but not limited

7999 to, base flood elevation, required flood protection elevations, the boundaries of the

8000 floodplain and the zero-rise floodway, if determined, and channel migration zone

8001 boundaries, if determined; and

8002 c. include the following notice:

8003 "Lots and buildings located within flood hazard areas may be inaccessible by

8004 emergency vehicles during flood events. Residents and property owners should take

8005 appropriate advance precautions.";

8006 E. New, substantially improved, or converted residential buildings and flood

8007 mitigation home elevations shall meet the following standards:

8008 1. Elevate the lowest floor, including basement, to or above the flood protection

8009 elevation;

8010 2. Fully enclosed areas below the lowest floor and below the flood protection

8011 elevation, including crawlspaces or attached garages, shall be designed to automatically

8012 equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of

8013 floodwaters. Designs for meeting this requirement must either be certified by a registered

8014 professional engineer or architect or meet or exceed the following:

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- 8015 a. a minimum of two openings having a net total area of no less than one square
8016 inch for every one square foot of enclosed space shall be provided. The openings shall be
8017 located on at least two opposite-side walls in the direction of flow;
- 8018 b. the bottom of all openings shall not be higher than one foot above the adjacent
8019 grade;
- 8020 c. openings may be equipped with screens, louvers, valves, or other coverings or
8021 devices, but only if they allow the automatic entry and exit of floodwaters; and
- 8022 d. if a building has more than one enclosed area, each area must have openings to
8023 allow floodwaters to automatically enter and exit;
- 8024 3. Fully enclosed areas below the lowest floor meeting the criteria in subsection
8025 E.2. of this section shall not have all sides of the building below grade;
- 8026 4. Fully enclosed areas below the lowest floor shall be used solely for the parking
8027 of vehicles, building access or limited storage of readily removable items;
- 8028 5. Use materials and methods that are resistant to and minimize flood damage; and
- 8029 6. Elevate or dry floodproof all building utilities to or above the flood protection
8030 elevation;
- 8031 F. New, substantially improved, or converted nonresidential buildings and flood
8032 mitigation elevations of existing nonresidential buildings shall meet the following standards:
- 8033 1. Elevate the lowest floor to or above the flood protection elevation, except as
8034 otherwise provided in subsection G. of this section, or dry floodproof the building and
8035 building utilities to or above the flood protection elevation. The applicant shall provide
8036 certification by a civil or structural engineer that the dry floodproofing methods are adequate
8037 to withstand the flood-depths, pressures, velocities, impacts, uplift forces, and other factors
-

Ordinance

- 8038 associated with the base flood. After construction, the engineer shall certify that the
8039 permitted work conforms to the approved plans and specifications;
- 8040 2. Use materials and methods that are resistant to and minimize flood damage;
- 8041 3. For nonresidential buildings that have not been dry floodproofed, design fully
8042 enclosed areas below the lowest floor and below the flood protection elevation, including
8043 crawlspaces or attached garages, to automatically equalize hydrostatic flood forces on
8044 exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this
8045 requirement must either be certified by a registered professional engineer or architect or
8046 meet or exceed the following:
- 8047 a. a minimum of two openings having a net total area of no less than one square
8048 inch for every one square foot of enclosed space shall be provided. The openings shall be
8049 located on at least two opposite-side walls in the direction of flow;
- 8050 b. the bottom of all openings shall not be higher than one foot above adjacent
8051 grade;
- 8052 c. openings may be equipped with screens, louvers, valves, or other coverings or
8053 devices, but only if they allow the automatic entry and exit of floodwaters; and
- 8054 d. if a building has more than one enclosed area, each area shall have openings to
8055 allow floodwaters to automatically enter and exit;
- 8056 4. Not have all sides of the building below grade for fully enclosed areas below the
8057 lowest floor meeting the criteria in subsection F.3. of this section;
- 8058 5. Fully enclosed areas below the lowest floor shall be used solely for the parking
8059 of vehicles, building access or limited storage of readily removable items; and

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8060 6. Elevate or dry floodproof all building utilities to or above the flood protection
8061 elevation;

8062 G. New, substantially improved, or converted accessory buildings may have the
8063 lowest floor below the flood protection elevation, but only if the building complies with the
8064 following:

8065 1. The building shall not be used for human habitation;

8066 2. The use of the building shall be limited to parking of vehicles or limited storage
8067 of readily removable items;

8068 3. The floor area shall not exceed four hundred square feet;

8069 4. The building should be constructed with materials and practices to minimize
8070 flood damage;

8071 5. The building shall be built of and have flood-resistant materials for portions
8072 below the flood protection elevation;

8073 6. The building shall be designed to automatically equalize hydrostatic flood forces
8074 on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this
8075 requirement must either be certified by a registered professional engineer or architect or
8076 must meet or exceed the following:

8077 a. a minimum of two openings having a net total area of no less than one square
8078 inch for every one square foot of enclosed space shall be provided. The openings shall be
8079 located on at least two opposite-side walls in the direction of flow;

8080 b. the bottom of all openings shall not be higher than one foot above adjacent
8081 grade; and

Ordinance

8082 c. openings may be equipped with screens, louvers, valves, or other coverings or
8083 devices, but only if they allow the automatic entry and exit of floodwaters;

8084 7. Building utilities shall not be installed except electrical fixtures, which must be
8085 elevated or dry floodproofed to or above the flood protection elevation; and

8086 8. The building shall be constructed and placed on the site so as to offer the
8087 minimum resistance to the flow of floodwaters;

8088 H. Anchor all new or substantially improved buildings to prevent flotation, collapse,
8089 or lateral movement of the building. The department shall approve the method used to
8090 anchor the building;

8091 I.1. Newly sited (~~manufactured~~) mobile homes and substantial improvements of
8092 existing (~~manufactured~~) mobile homes shall meet the standards in subsections E. and H. of
8093 this section and shall be installed using methods and practices that minimize flood damage;

8094 2. All (~~manufactured~~) mobile homes within a new mobile home park or
8095 expansion of an existing mobile home park must meet the requirements of this subsection I.;

8096 3. In a new or existing mobile home park located in a flood hazard area, no
8097 buildings other than mobile homes are allowed;

8098 J.1. New and replacement public infrastructure utilities including, but not limited to,
8099 sewage treatment and storage facilities, shall be elevated or dry floodproofed to or above the
8100 flood protection elevation;

8101 2. New on-site sewage disposal systems should be located outside of the
8102 floodplain. When there is insufficient area outside the floodplain, new on-site sewage
8103 disposal systems are allowed only in the zero-rise flood fringe. On-site sewage disposal
8104 systems in the zero-rise flood fringe shall be designated and located to avoid:

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- 8105 a. impairment to the system during flooding; and
- 8106 b. contamination from the system during flooding;
- 8107 3. Design all new and replacement water supply systems to minimize or eliminate
- 8108 infiltration of floodwaters into the system;
- 8109 4. Above-ground utility transmission lines are allowed only for the transport of
- 8110 nonhazardous substances or electricity;
- 8111 5. Underground utility transmission lines transporting hazardous substances shall
- 8112 be buried at a minimum depth of four feet below the maximum depth of scour for the base
- 8113 flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any
- 8114 potential for flotation or upward migration is eliminated; and
- 8115 6. New water wells shall be located where not subject to ponding and not in the
- 8116 FEMA floodway. The well shall be protected to the flood protection elevation and shall be
- 8117 protected from any surface or subsurface drainage capable of impairing the quality of the
- 8118 groundwater supply, in accordance with WAC 173-160-171;
- 8119 K. Critical facilities are allowed within the zero-rise flood fringe only when a
- 8120 feasible alternative site is not available and the following standards are met, in addition to
- 8121 the other applicable standards in this section:
- 8122 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three or
- 8123 more feet above the base flood elevation, whichever is higher;
- 8124 2. Dry floodproof and seal buildings to ensure that hazardous substances are not
- 8125 displaced by or released into floodwaters; and
- 8126 3. Elevate access routes to or above the base flood elevation from the critical
- 8127 facility to the nearest maintained public street or roadway;

- 8128 L. New construction or expansion of existing farm pads is allowed only on a site
8129 with existing agriculture if emergency flood relief is required for the protection of livestock
8130 or assets or for operations that must continue during flood events as follows:
- 8131 1. A farm pad is allowed only if there is no other suitable holding area on the site
8132 outside the floodplain;
 - 8133 2. Construct the farm pad to the standards in an approved farm management plan
8134 prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30;
 - 8135 3. The farm pad proposal shall demonstrate compliance with the following:
 - 8136 a. flood storage compensation consistent with subsection A. of this section;
 - 8137 b. siting and sizing that do not increase base flood elevations consistent with
8138 K.C.C. 21A.24.250.B. or, if any portion of the farm pad is located in the FEMA floodway,
8139 siting and sizing that do not increase base flood elevations consistent with K.C.C.
8140 21A.24.260.B.;
 - 8141 c. siting that is located in the area least subject to risk from floodwaters; and
 - 8142 d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland
8143 buffers, and aquatic area buffers have been minimized;
 - 8144 4. The farm pad is constructed to base flood elevation plus one foot. An elevation
8145 report shall be completed after construction to demonstrate compliance with this elevation
8146 requirement;
 - 8147 5.a. The farm pad should be sized as is necessary for the protection of livestock
8148 and assets and operations that must continue during flood events;

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8149 b. for farm pads larger than two thousand square feet of finished usable surface, a
8150 site specific evaluation of agricultural operations must demonstrate the need for the size of
8151 the pad; and

8152 c. for farm pads larger than ten thousand square feet, an area-wide analysis must
8153 demonstrate that sufficient flood storage is available for reasonably foreseeable future land
8154 use needs in the vicinity;

8155 6. If there are multiple areas on a site that meet all of the applicable criteria, the
8156 farm pad should be located as far as practical from the interior property lines;

8157 7. Agricultural buildings are allowed on a farm pad as shelter for livestock or other
8158 farm animals, greenhouses for plant starts to be used on the property, milking parlors,
8159 storage of farm vehicles and agricultural equipment, and shelter for farm products including,
8160 but not limited to, feed, seeds, flower bulbs, and hay and farm operations that must continue
8161 during a flood event. Agricultural buildings allowed on a farm pad shall not be used for
8162 retail operations or any residential or public use; and

8163 8. The property owner shall file with the department of executive services, records
8164 and licensing services division, a notice approved by the department that restricts the use of
8165 the farm pad to nonresidential agricultural uses. The notice shall run with the land. The
8166 applicant shall submit to the department proof that the notice was filed before the
8167 department approves any permit for the construction of the farm pad;

8168 M. New or expanded livestock manure storage facilities are only allowed as
8169 follows:

8170 1. There is not a feasible alternative area on the site outside the floodplain;

8171 2. The livestock manure storage facility is constructed to the standards in an
8172 approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and
8173 K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with the
8174 following:

8175 a. flood storage compensation consistent with subsection A. of this section;

8176 b. siting and sizing that do not increase base flood elevations consistent with
8177 K.C.C. 21A.24.250.B. or, if the liquid manure storage facility is located in the FEMA
8178 floodway, siting and sizing that do not increase base flood elevations consistent with K.C.C.
8179 21A.24.260.B.;

8180 c. dry floodproofing the liquid manure storage facility to one foot above the base
8181 flood elevation; and

8182 d. siting that is located in the area least subject to risk from floodwaters;

8183 N. Recreational vehicles must be on site for fewer than one hundred eighty
8184 consecutive days or be fully licensed and ready for highway use, which means on their
8185 wheels or jacking system, attached to the site only by quick-disconnect-type utilities and
8186 security devices and have no permanently attached additions; and

8187 O. Any alteration or relocation of a watercourse shall comply with the following
8188 standards, in addition to the other applicable standards in this title:

8189 1. The department shall notify adjacent communities and the Washington state
8190 Department of Ecology before any alteration or relocation of a watercourse proposed by the
8191 applicant and shall submit evidence of the notification to the Federal Emergency
8192 Management Agency within six months; and

8193 2. The applicant shall ensure that the flood-carrying capacity is maintained.

8194 SECTION 141. Ordinance 10870, Section 477, as amended, and K.C.C.

8195 21A.24.300 are hereby amended to read as follows:

8196 The following development standards apply to development proposal and
8197 alterations on sites containing volcanic hazard areas:

8198 A. Within volcanic hazard areas located along the White river upstream from
8199 Mud Mountain dam:

8200 1. Critical facilities, duplexes, triplexes, fourplexes, apartments, townhouses, or
8201 commercial structures are not allowed;

8202 2. All new lots created by subdivision, short subdivision or binding site plan
8203 shall designate building areas and building setbacks outside of the volcanic hazard area;
8204 and

8205 3. The notice of critical areas required under this chapter is required for new
8206 single detached dwellings on existing lots;

8207 B. Within volcanic hazard areas located along the White river downstream from
8208 Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate
8209 development proposals for critical facilities for risk of inundation or flooding resulting
8210 from mudflows originating on Mount Rainier. The applicant shall design critical
8211 facilities to withstand, without damage, the effects of mudflows equal in magnitude to the
8212 prehistoric Electron mudflow; and

8213 C. This section does not apply until King County has refined the mapping of
8214 volcanic hazard areas in cooperation with the United State Geological Survey and
8215 adopted volcanic hazard area maps by public rule.

8216 SECTION 142. Ordinance 11621, Section 52, as amended, and K.C.C. 21A.24.385
8217 are hereby amended to read as follows:

8218 The department shall make certain that segments of the wildlife habitat network are
8219 set aside and protected along the designated wildlife habitat network adopted by the King
8220 County Comprehensive Plan as follows:

8221 A. This section applies to the following development proposals on parcels that
8222 include a segment of the designated wildlife habitat network:

8223 1. All (~~urban planned developments, fully contained communities,~~) binding site
8224 plans, subdivisions, and short subdivisions; and

8225 2. All development proposals on individual lots unless a segment of the wildlife
8226 habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract,
8227 easement, or setback area, and a notice of the existence of the segment has been recorded;

8228 B. Segments of the wildlife habitat network must be identified and protected in one
8229 of the following ways:

8230 1. In (~~urban planned developments, fully contained communities,~~) binding site
8231 plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous
8232 permanent open-space tract with all developable lots sited on the remaining portion of the
8233 project site, or the lots are designed so that required setback areas can form a contiguous
8234 setback covering the network segments; or

8235 2. For individual lots, the network is placed in a county-approved setback area. To
8236 the maximum extent practical, existing native vegetation is included in the network. The
8237 notice required by K.C.C. 21A.27.170 is required; and

8238 C. All wildlife habitat network tracts or setback areas must meet the design
8239 standards in K.C.C. 21A.24.386.

8240 SECTION 143. Ordinance 11621, Section 53, as amended, and K.C.C. 21A.24.386
8241 are hereby amended to read as follows:

8242 The following standards apply to development proposals and alterations on sites
8243 containing wildlife habitat network:

8244 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
8245 alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

8246 B. The wildlife habitat network is sited to meet the following conditions:

8247 1. The network forms one contiguous tract or setback area that enters and exits
8248 the property where the network crosses the property boundary;

8249 2. To the maximum extent practical, the network maintains a width of three-
8250 hundred feet. The network width shall not be less than one-hundred-fifty feet at any
8251 point; and

8252 3. The network is contiguous with and includes critical areas and their buffers;

8253 4. To the maximum extent practical, the network connects isolated critical areas
8254 or habitat; and

8255 5. To the maximum extent practical, the network connects with wildlife habitat
8256 network segments, open space tracts₂, or wooded areas on adjacent properties, if present;

8257 C. The wildlife habitat network tract must be permanently marked in accordance
8258 with this chapter;

8259 D. An applicant proposing recreation, forestry₂, or any other use compatible with
8260 preserving and enhancing the habitat value of the wildlife habitat network located within

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8261 the site must have an approved management plan. The applicant shall include and record
8262 the approved management plan for a binding site plan or subdivision with the covenants,
8263 conditions, and restrictions (CCRs), if any. Clearing within the wildlife habitat network
8264 in a tract or tracts is limited to that allowed by an approved management plan;

8265 E. If the wildlife habitat network is contained in a setback area, a management
8266 plan is not required. Clearing is not allowed within a wildlife habitat network within a
8267 setback area on individual lots, unless the property owner has an approved management
8268 plan;

8269 F. In ~~((urban planned developments, fully contained communities,))~~ binding site
8270 plans, subdivisions, and short subdivisions a homeowners association or other entity
8271 capable of long-term maintenance and operation shall monitor and assure compliance
8272 with any approved management plan;

8273 G. ~~((Segments of the wildlife habitat network set aside in tracts, conservation
8274 easements or setback area must comply with K.C.C. 16.82.150;~~

8275 ~~H.))~~ H.)) The department may credit a permanent open space tract containing the
8276 wildlife habitat network toward the other applicable requirements such as surface water
8277 management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed
8278 uses within the tract are compatible with preserving and enhancing the wildlife habitat
8279 value. Restrictions on other uses within the wildlife habitat network tract shall be clearly
8280 identified in the management plan; and

8281 ~~((H.))~~ H. The director may waive or reduce these standards for public facilities
8282 such as schools, fire stations, parks, and road projects.

8283 SECTION 144. Ordinance 16985, Section 129, and K.C.C. 21A.25.080 are

8284 hereby amended to read as follows:

8285 A. Mitigation measures shall be applied in the following sequence of steps listed
8286 in order of priority, with subsection A.1. of this section being top priority:

8287 1. Avoiding the impact altogether by not taking a certain action or parts of an
8288 action;

8289 2. Minimizing impacts by limiting the degree or magnitude of the action and its
8290 implementation by using appropriate technology or by taking affirmative steps to avoid
8291 or reduce impacts;

8292 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected
8293 environment;

8294 4. Reducing or eliminating the impact over time by preservation and
8295 maintenance operations;

8296 5. Compensating for the impact by replacing, enhancing, or providing substitute
8297 resources or environments; and

8298 6. Monitoring the impact and the compensation projects and taking appropriate
8299 corrective measures.

8300 B. In determining appropriate mitigation measures applicable to shoreline
8301 development, lower priority measures shall be applied only where higher priority
8302 measures are determined to be infeasible or inapplicable.

8303 C. Mitigation shall be designed to:

8304 1. Achieve no net loss of ecological functions for each new development;

8305 2. Not require mitigation in excess of that necessary to assure that the
8306 development will result in no net loss of shoreline ecological functions; and

8307 3. Not result in a significant adverse impact on other shoreline ecological
8308 functions.

8309 D. When a critical area report is required by this chapter, the applicant shall
8310 submit a report documenting the presence and types of wetlands and aquatic areas on the
8311 site. If the development proposal will affect only a part of the development proposal site,
8312 the department may limit the scope of the required critical area report to include only that
8313 part of the site that is affected by the development proposal. The report shall document
8314 how the proposal avoids and minimizes impacts to the greatest extent feasible and
8315 document measures taken to mitigate unavoidable impacts to ensure the proposal causes
8316 no net loss of ecological function. The applicant may combine a critical area report with
8317 any studies required by other laws and regulations.

8318 E. When compensatory measures are appropriate under the mitigation priority
8319 sequence in subsection A. of this section, preferential consideration shall be given to
8320 measures that replace the impacted functions directly and in the immediate vicinity of the
8321 impact. The department may approve alternative compensatory mitigation within the
8322 watershed if the mitigation addresses limiting factors or identified critical needs for
8323 shoreline resource conservation based on watershed or comprehensive resource
8324 management plans applicable to the area of impact. The department may require
8325 appropriate safeguards, terms or conditions as necessary to ensure no net loss of shoreline
8326 ecological functions as conditions of approval for compensatory mitigation measures.

8327 SECTION 145. Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100
8328 are hereby amended to read as follows:

8329 A. The shoreline use table in this section determines whether a specific use is
8330 allowed within each of the shoreline environments. The shoreline environment is located
8331 on the vertical column and the specific use is located on the horizontal row of the table.
8332 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The
8333 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be
8334 interpreted as follows:

8335 1. If the cell is blank in the box at the intersection of the column and the row,
8336 the use is prohibited in that shoreline environment;

8337 2. If the letter "P" appears in the box at the intersection of the column and the
8338 row, the use may be allowed within the shoreline environment;

8339 3. If the letter "C" appears in the box at the intersection of the column and the
8340 row, the use may be allowed within the shoreline environment subject to the shoreline
8341 conditional use review procedures specified in K.C.C. 21A.44.100.

8342 4. If a number appears in the box at the intersection of the column and the row,
8343 the use may be allowed subject to the appropriate review process in this section, the
8344 general requirements of this chapter and the specific development conditions indicated
8345 with the corresponding number in subsection C. of this section. If more than one number
8346 appears after a letter, all numbers apply.

8347 5. If more than one letter-number combination appears in the box at the
8348 intersection of the column and the row, the use is allowed in accordance with each letter-
8349 number combination.

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8350 6. A shoreline use may be allowed in the aquatic environment only if that
8351 shoreline use is allowed in the adjacent shoreland environment.

8352 7. This section does not authorize a land use that is not allowed by the
8353 underlying zoning, but may add additional restrictions or conditions or prohibit specific
8354 land uses within the shoreline jurisdiction. When there is a conflict between the
8355 permitted land uses in K.C.C. chapter 21A.08 and shoreline uses in this section,
8356 preference for shoreline uses shall first be given to water-dependent uses, then to water
8357 related uses and finally to water enjoyment uses. All uses in the shoreline jurisdiction
8358 must comply with all relevant county code provisions and with the King County
8359 Shoreline Master Program.

8360 B. Shoreline uses.

P - Permitted Use C - Shoreline Conditional Use Blank - Prohibited. Shoreline uses are allowed only if the underlying zoning allows the use. Shoreline uses are allowed in the aquatic environment only if the adjacent upland environment allows the use.	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish								

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aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry No. 1611, automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								

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Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.060)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational (/) and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	
Duplex, triplex, fourplex, ((#)) townhouse, apartment, mobile home park, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Group residences (K.C.C. 21A.08.030)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and	C22 and	

Ordinance

21A.08.030)						24	24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30							

8361

C. Development conditions:

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1. In the Natural environment, limited to low intensity agriculture, such as

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livestock use with an animal unit density of no more than one per two acres in the

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shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to

8365

exceed twenty percent of the site area located within the shoreline jurisdiction.

8366

2.a. The supporting infrastructure for aquaculture may be located landward of

8367

the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

8368 b. The aquaculture operation must meet the standards in K.C.C. 21A.25.110.

8369 c. In aquatic areas adjacent to the residential shoreline environment, net pen
8370 facilities shall be located no closer than one thousand five hundred feet from the ordinary
8371 high water mark of this environment, unless the department allows a specific lesser
8372 distance that it determines is appropriate based upon a visual impact analysis. Other
8373 types of floating culture facilities may be located within one thousand five hundred feet
8374 of the ordinary high water mark if supported by a visual impact analysis.

8375 d. In aquatic areas adjacent to the rural shoreline environment, net pen
8376 facilities shall be located no closer than one thousand five hundred feet from the ordinary
8377 high water mark of this environment, unless the department allows a specific lesser
8378 distance that it determines is appropriate based upon a visual impact analysis.

8379 e. In the natural shoreline environment and aquatic areas adjacent to the natural
8380 shoreline environment, commercial net pens are prohibited and other aquaculture
8381 activities are limited to activities that do not require structures, facilities, or mechanized
8382 harvest practices and that will not alter the natural systems, features, or character of the
8383 site.

8384 f. Farm-raised geoduck aquaculture requires a shoreline substantial
8385 development permit if a specific project or practice causes substantial interference with
8386 normal public use of the surface waters.

8387 g. A conditional use permit is required for new commercial geoduck
8388 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of
8389 planting and harvest shall not require a new conditional permit.

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- 8390 3.a. New marinas are not allowed along the east shore of Maury Island, from
8391 Piner Point to Point Robinson.
- 8392 b. Marinas must meet the standards in K.C.C. 21A.25.120.
- 8393 4. Water dependent general services land uses in K.C.C. 21A.08.050 are
8394 allowed. Non-water dependent general services land uses in K.C.C. 21A.08.050 are only
8395 allowed on sites that are not contiguous with the ordinary high water mark or on sites that
8396 do not have an easement that provides direct access to the water.
- 8397 5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are
8398 allowed.
- 8399 b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are
8400 only allowed as part of a shoreline mixed-use development that includes water-dependent
8401 uses.
- 8402 c. Non-water-oriented general services land uses must provide a significant
8403 public benefit by helping to achieve one or more of the following shoreline master
8404 program goals:
- 8405 (1) economic development for water-dependent uses;
8406 (2) public access;
8407 (3) water-oriented recreation;
8408 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
8409 habitat; and
8410 (5) protection and restoration of historic properties.
- 8411 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.
8412 Water-related business services uses are only allowed as part of a shoreline mixed-use
-

8413 development and only if they support a water-dependent use. The water-related business
8414 services uses must comprise less than one-half of the square footage of the structures or
8415 the portion of the site within the shoreline jurisdiction.

8416 7.a Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

8417 b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as
8418 part of a shoreline mixed-use development if the non-water-dependent retail use supports
8419 a water-dependent use. Non-water-dependent uses must comprise less than one-half of
8420 the square footage of the structures or the portion of the site within the shoreline
8421 jurisdiction.

8422 c. Non-water-oriented retail uses must provide a significant public benefit by
8423 helping to achieve one or more of the following shoreline master program goals:

8424 (1) economic development for water-dependent uses;

8425 (2) public access;

8426 (3) water-oriented recreation;

8427 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
8428 habitat; and

8429 (5) protection and restoration of historic properties.

8430 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-
8431 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a
8432 significant public benefit by helping to achieve one or more of the following shoreline
8433 master program goals:

8434 a. economic development for water-dependent uses;

8435 b. public access;

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- 8436 c. water-oriented recreation;
- 8437 d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife
- 8438 habitat; and
- 8439 e. protection and restoration of historic properties.
- 8440 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.
- 8441 b. Non-water-dependent government services in K.C.C. 21A.08.060 are only
- 8442 allowed as part of a shoreline mixed-use development if the non-water-dependent
- 8443 government use supports a water-dependent use. Non-water-dependent uses must
- 8444 comprise less than one-half of the square footage of the structures or the portion of the
- 8445 site within the shoreline jurisdiction. Only low-intensity water-dependent government
- 8446 services are allowed in the Natural environment.
- 8447 10. The following standards apply to government services uses within the
- 8448 Aquatic environment:
- 8449 a. Stormwater and sewage outfalls are allowed if upland treatment and
- 8450 infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on
- 8451 critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However,
- 8452 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,
- 8453 except from Piner Point to Point Robinson;
- 8454 b. Water intakes shall not be located near fish spawning, migratory, or rearing
- 8455 areas. Water intakes must adhere to Washington state Department of Fish and Wildlife
- 8456 fish screening criteria. To the maximum extent practical, intakes should be placed at
- 8457 least thirty feet below the ordinary high water mark;

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8458 c. Desalinization facilities shall not be located near fish spawning, migratory,
8459 or rearing areas. Intakes should generally be placed deeper than thirty feet below the
8460 ordinary high water mark and must adhere to Washington state Department Fish and
8461 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated
8462 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner
8463 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on
8464 critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

8465 d. Cable crossings for telecommunications and power lines shall:

8466 (1) be routed around or drilled below aquatic critical habitat or species;

8467 (2) be installed in sites free of vegetation, as determined by physical or video
8468 seabed survey;

8469 (3) be buried, preferably using directional drilling, from the uplands to
8470 waterward of the deepest documented occurrence of native aquatic vegetation; and

8471 (4) use the best available technology;

8472 e. Oil, gas, water, and other pipelines shall meet the same standards as cable
8473 crossings and in addition:

8474 (1) pipelines must be directionally drilled to depths of seventy feet or one half
8475 mile from the ordinary high water mark; and

8476 (2) use the best available technology for operation and maintenance;

8477 f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or
8478 within the Aquatic environment adjacent to the Conservancy and Natural shorelines.

8479 11. In the Natural environment, limited to low intensity forest practices that
8480 conserve or enhance the health and diversity of the forest ecosystem or ecological and

8481 hydrologic functions conducted for the purpose of accomplishing specific ecological
8482 enhancement objectives. In all shoreline environments, forest practices must meet the
8483 standards in K.C.C. 21A.25.130.

8484 12. Manufacturing uses in the shoreline environment must give preference first
8485 to water-dependent manufacturing uses and second to water-related manufacturing uses:

8486 a. Non-water-oriented manufacturing uses are allowed only:

8487 (1) as part of a shoreline mixed-use development that includes a water-
8488 dependent use, but only if the water-dependent use comprises over fifty percent of the
8489 floor area or portion of the site within the shoreline jurisdiction;

8490 (2) on sites where navigability is severely limited; or

8491 (3) on sites that are not contiguous with the ordinary high water mark or on
8492 sites that do not have an easement that provides direct access to the water; and

8493 (4) all non-water-oriented manufacturing uses must also provide a significant
8494 public benefit, such as ecological restoration, environmental clean-up, historic
8495 preservation, or water-dependent public education;

8496 b. public access is required for all manufacturing uses unless it would result in
8497 a public safety risk or is incompatible with the use;

8498 c. shall be located, designed, and constructed in a manner that ensures that
8499 there are no significant adverse impacts to other shoreline resources and values((-));

8500 d. restoration is required for all new manufacturing uses; and

8501 e. boat repair facilities are not permitted within the Maury Island Aquatic
8502 Reserve, except as follows:

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8503 (1) engine repair or maintenance conducted within the engine space without
8504 vessel haul-out;

8505 (2) topside cleaning, detailing, and bright work;

8506 (3) electronics servicing and maintenance;

8507 (4) marine sanitation device servicing and maintenance that does not require
8508 haul-out;

8509 (5) vessel rigging; and

8510 (6) minor repairs or modifications to the vessel's superstructure and hull
8511 above the waterline that do not exceed twenty-five percent of the vessel's surface area
8512 above the waterline.

8513 13. The water-dependent in-stream portion of a hydroelectric generation facility,
8514 wastewater treatment facility and municipal water production are allowed, including the
8515 upland supporting infrastructure, and shall provide for the protection and preservation, of
8516 ecosystem-wide processes, ecological functions, and cultural resources, including, but not
8517 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,
8518 hydrogeological processes, and natural scenic vistas.

8519 14. New in-stream portions of utility facilities may be located within the
8520 shoreline jurisdiction if:

8521 a. there is no feasible alternate location;

8522 b. provision is made to protect and preserve ecosystem-wide processes,
8523 ecological functions, and cultural resources, including, but not limited to, fish and fish
8524 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,
8525 and natural scenic vistas; and

- 8526 c. the use complies with the standards in K.C.C. 21A.25.260.
- 8527 15. Limited to in-stream infrastructure, such as bridges, and must consider the
8528 priorities of the King County Shoreline Protection and Restoration Plan when designing
8529 in-stream transportation facilities. In-stream structures shall provide for the protection
8530 and preservation, of ecosystem-wide processes, ecological functions, and cultural
8531 resources, including, but not limited to, fish and fish passage, wildlife and water
8532 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
- 8533 16. Limited to hatchery and fish preserves.
- 8534 17. Mineral uses:
- 8535 a. must meet the standards in K.C.C. chapter 21A.22;
- 8536 b. must be dependent upon a shoreline location;
- 8537 c. must avoid and mitigate adverse impacts to the shoreline environment
8538 during the course of mining and reclamation to achieve no net loss of shoreline ecological
8539 function. In determining whether there will be no net loss of shoreline ecological
8540 function, the evaluation may be based on the final reclamation required for the site.
8541 Preference shall be given to mining proposals that result in the creation, restoration, or
8542 enhancement of habitat for priority species;
- 8543 d. must provide for reclamation of disturbed shoreline areas to achieve
8544 appropriate ecological functions consistent with the setting;
- 8545 e. may be allowed within the active channel of a river only as follows:
- 8546 (1) removal of specified quantities of sand and gravel or other materials at
8547 specific locations will not adversely affect the natural processes of gravel transportation
8548 for the river system as a whole;
-

8549 (2) the mining and any associated permitted activities will not have
8550 significant adverse impacts to habitat for priority species nor cause a net loss of
8551 ecological functions of the shoreline; and

8552 (3) if no review has been previously conducted under this subsection C.17.e.,
8553 ~~((prior to))~~ before renewing, extending or reauthorizing gravel bar and other in-channel
8554 mining operations in locations where they have previously been conducted, the
8555 department shall require compliance with this subsection C.17.e. If there has been prior
8556 review, the department shall review previous determinations comparable to the
8557 requirements of this section C.17.e. to ensure compliance with this subsection under
8558 current site conditions; and

8559 f. Must comply with K.C.C. 21A.25.190.

8560 18. Only water-dependent recreational uses are allowed, except for public parks
8561 and trails, in the High Intensity environment and must meet the standards in K.C.C.
8562 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

8563 19. Water-dependent and water-enjoyment recreational uses are allowed in the
8564 Residential, Rural, and Forestry environments and must meet the standards in K.C.C.
8565 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

8566 20. In the Conservancy environment, only the following recreation uses are
8567 allowed and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C.
8568 21A.25.150 for recreation:

8569 a. parks; and

8570 b. trails.

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- 8571 21. In the Natural environment, only passive and low-impact recreational uses
8572 are allowed.
- 8573 22. Single detached dwelling units must be located outside of the aquatic area
8574 buffer and set back from the ordinary high water mark to the maximum extent practical.
- 8575 23. Only allowed as part of a water-dependent shoreline mixed-use development
8576 where water-dependent uses comprise more than half of the square footage of the
8577 structures on the portion of the site within the shoreline jurisdiction.
- 8578 24. Residential accessory uses must meet the following standards:
- 8579 a. docks, piers, moorage, buoys, floats, or launching facilities must meet the
8580 standards in K.C.C. 21A.25.180;
- 8581 b. residential accessory structures located within the aquatic area buffer shall
8582 be limited to a total footprint of one-hundred fifty square feet; and
- 8583 c. accessory structures shall be sited to preserve visual access to the shoreline
8584 to the maximum extent practical.
- 8585 25. New highway and street construction is allowed only if there is no feasible
8586 alternate location. Only low-intensity transportation infrastructure is allowed in the
8587 Natural environment.
- 8588 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.
- 8589 27. Only bed and breakfast guesthouses.
- 8590 28. Only in a marina.
- 8591 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.
- 8592 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

8593 SECTION 146. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160
8594 are hereby amended to read as follows:

8595 A. The shoreline modification table in this section determines whether a specific
8596 shoreline modification is allowed within each of the shoreline environments. The shoreline
8597 environment is located on the vertical column and the specific use is located on the
8598 horizontal row of the table. The specific modifications are grouped by the shoreline
8599 modification categories in WAC 173-26-231. The table should be interpreted as follows:

8600 1. If the cell is blank in the box at the intersection of the column and the row, the
8601 modification is prohibited in that shoreline environment;

8602 2. If the letter "P" appears in the box at the intersection of the column and the row,
8603 the modification may be allowed within the shoreline environment;

8604 3. If the letter "C" appears in the box at the intersection of the column and the row,
8605 the modification may be allowed within the shoreline environment subject to the shoreline
8606 conditional use review procedures specified in K.C.C. 21A.44.100;

8607 4. If a number appears in the box at the intersection of the column and the row, the
8608 modification may be allowed subject to the appropriate review process indicated in this
8609 section and the specific development conditions indicated with the corresponding number
8610 immediately following the table, and only if the underlying zoning allows the modification.
8611 If more than one number appears at the intersection of the column and row, both numbers
8612 apply;

8613 5. If more than one letter-number combination appears in the box at the
8614 intersection of the column and the row, the modification is allowed within that shoreline
8615 environment subject to different sets of limitations or conditions depending on the review

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8616 process indicated by the letter, the specific development conditions indicated in the
 8617 development condition with the corresponding number immediately following the table;

8618 6. A shoreline modification may be allowed in the aquatic environment only if that
 8619 shoreline modification is allowed in the adjacent shoreland environment; and

8620 7. This section does not authorize a shoreline modification that is not allowed by
 8621 the underlying zoning, but may add additional restrictions or conditions or prohibit specific
 8622 modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline
 8623 jurisdiction must comply with all relevant county code provisions and with the King County
 8624 shoreline master program.

8625 B. Shoreline modifications.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters, jetties, groins, and weirs								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5

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Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

8626 C. Development conditions.

8627 1. New and replacement shoreline stabilization, including bulkheads, must meet
 8628 the standards in K.C.C. 21A.25.170;

8629 2.a. Flood protection facilities must be consistent with the standards in K.C.C.
 8630 chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16,
 8631 2007, and the Integrated Stream Protection Guidelines (Washington state departments of
 8632 Fish and Wildlife, Ecology and Transportation, 2003). New structural flood hazard
 8633 protection measures are allowed in the shoreline jurisdiction only when the applicant
 8634 demonstrates by a scientific and engineering analysis that the structural measures are
 8635 necessary to protect existing development, that nonstructural measures are not feasible
 8636 and that the impact on ecological functions and priority species and habitats can be
 8637 successfully mitigated so as to assure no net loss of shoreline ecological functions. New
 8638 flood protection facilities designed as shoreline stabilization must meet the standards in
 8639 K.C.C. 21A.25.170.

8640 b. Relocation, replacement, or expansion of existing flood control facilities
8641 within the Natural environment are permitted, subject to the requirements of the King
8642 county Flood Hazard Reduction Plan and consistent with the Washington State Aquatic
8643 Guidelines Program's Integrated Streambank Protection Guidelines and bioengineering
8644 techniques used to the maximum extent practical. New facilities would only be permitted
8645 consistent with an approved watershed resources inventory area (WRIA) salmon recovery
8646 plan under chapter 77.85 RCW.

8647 3. Docks, piers, moorage, buoys, floats, or launching facilities must meet the
8648 standards in K.C.C. 21A.25.180;

8649 4.a. Filling must meet the standards in K.C.C. 21A.25.190.

8650 b. A shoreline conditional use permit is required to:

8651 (1) Place fill waterward of the ordinary high water mark for any use except
8652 ecological restoration or for the maintenance and repair of flood protection facilities; and

8653 (2) Dispose of dredged material within shorelands or wetlands within a
8654 channel migration zone;

8655 c. Fill shall not be placed in critical saltwater habitats except when all of the
8656 following conditions are met:

8657 (1) the public's need for the proposal is clearly demonstrated and the proposal
8658 is consistent with protection of the public trust, as embodied in RCW 90.58.020;

8659 (2) avoidance of impacts to critical saltwater habitats by an alternative
8660 alignment or location is not feasible or would result in unreasonable and disproportionate
8661 cost to accomplish the same general purpose;

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8662 (3) the project including any required mitigation, will result in no net loss of
8663 ecological functions associated with critical saltwater habitat; and

8664 (4) the project is consistent with the state's interest in resource protection and
8665 species recovery((-)); and

8666 d. In a channel migration zone, any filling shall protect shoreline ecological
8667 functions, including channel migration.

8668 5.a. Breakwaters, jetties, groins, and weirs:

8669 (1) are only allowed where necessary to support water dependent uses, public
8670 access, approved shoreline stabilization, or other public uses, as determined by the
8671 director;

8672 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a
8673 habitat restoration project or as an alternative to construction of a shoreline stabilization
8674 structure;

8675 (3) shall not intrude into or over critical saltwater habitats except when all of
8676 the following conditions are met:

8677 (a) the public's need for the structure is clearly demonstrated and the
8678 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

8679 (b) avoidance of impacts to critical saltwater habitats by an alternative
8680 alignment or location is not feasible or would result in unreasonable and disproportionate
8681 cost to accomplish the same general purpose;

8682 (c) the project including any required mitigation, will result in no net loss of
8683 ecological functions associated with critical saltwater habitat; and

8684 (d) the project is consistent with the state's interest in resource protection
8685 and species recovery.

8686 b. Groins are only allowed as part of a restoration project sponsored or
8687 cosponsored by a public agency that has natural resource management as a primary
8688 function.

8689 c. A conditional shoreline use permit is required, except for structures installed
8690 to protect or restore shoreline ecological functions.

8691 6. Excavation, dredging, and filling must meet the standards in K.C.C.

8692 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
8693 material within shorelands or wetlands within a channel migration zone.

8694 7.a. If the department determines the primary purpose is restoration of the
8695 natural character and ecological functions of the shoreline, a shoreline habitat and natural
8696 systems enhancement project may include shoreline modification of vegetation, removal
8697 of nonnative or invasive plants, and shoreline stabilization, including the installation of
8698 large woody debris, dredging, and filling. Mitigation actions identified through
8699 biological assessments required by the National Marine Fisheries Services and applied to
8700 flood hazard mitigation projects may include shoreline modifications of vegetation,
8701 removal of nonnative or invasive plants, and shoreline stabilization, including the
8702 installation of large woody debris, dredging, and filling.

8703 b. Within the ~~((U))~~urban ~~((G))~~growth ~~((A))~~area, the county may grant relief
8704 from shoreline master program development standards and use regulations resulting from
8705 shoreline restoration projects consistent with criteria and procedures in WAC 173-27-
8706 215.

8707 8. Within the critical area and critical area buffer, vegetation removal is subject
8708 to K.C.C. chapter 21A.24.

8709 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
8710 native vegetation located outside of the critical area and critical area buffer shall be
8711 retained to the maximum extent practical. Within the critical area and critical area buffer,
8712 vegetation removal is subject to K.C.C. chapter 21A.24.

8713 SECTION 147. Ordinance 3688, Section 413, as amended, and K.C.C. 21A.25.170
8714 are hereby amended to read as follows:

8715 A. Shoreline stabilization shall ~~((not be considered an outright use and shall))~~ be
8716 permitted only when the department determines that shoreline protection is necessary for
8717 the protection of existing legally established primary structures and associated
8718 appurtenances at imminent risk of damage, new or existing non-water-dependent
8719 development, new or existing water-dependent development, or projects restoring
8720 ecological functions or remediating hazardous substance discharges. ~~((Vegetation,~~
8721 ~~berms, bioengineering techniques and other nonstructural alternatives that preserve the~~
8722 ~~natural character of the shore shall be preferred over riprap, concrete revetments,~~
8723 ~~bulkheads, breakwaters and other structural stabilization. Riprap using rock or other~~
8724 ~~natural materials shall be preferred over concrete revetments, bulkheads, breakwaters and~~
8725 ~~other structural stabilization.)) The at-risk structure or use should be relocated, if
8726 feasible, in order to remove the need for shoreline stabilization. When relocation is
8727 infeasible, the least impactful shoreline stabilization measure, as documented by analysis
8728 in a geotechnical report, shall be used. Any replaced structural stabilization should be~~

8729 moved as far landward of the ordinary high water mark as possible. Lesser impacting
8730 measures should be used before more impacting measures.

8731 B. ~~((Structural-s))~~ Shoreline stabilization may be permitted subject to the
8732 standards in this chapter and as follows:

8733 1. The applicant shall provide~~((s))~~ a geotechnical analysis that demonstrates
8734 that:

8735 a. the site's erosion ~~((from))~~ is caused by waves ~~((or currents is imminently~~
8736 ~~threatening or that, unless the structural shoreline stabilization is constructed, damage is~~
8737 ~~expected to occur))~~ and not upland drainage, erosion, or landslide hazard areas or
8738 unauthorized clearing or grading; and

8739 b. The rate of erosion is likely to cause the primary structures, new or existing
8740 water-dependent development or restoration project to be at imminent risk of damage
8741 within three years;

8742 2. ~~((The erosion is not caused by upland conditions;~~

8743 3. ~~The proposed structural shoreline protection will provide greater protection~~
8744 ~~than feasible, nonstructural alternatives such as slope drainage systems, vegetative~~
8745 ~~growth stabilization, gravel berms and beach nourishment;~~

8746 4. ~~The proposal is the minimum necessary to protect existing legally established~~
8747 ~~primary structures, new or existing non-water dependent development, new or existing~~
8748 ~~water dependent development or projects restoring ecological functions or remediating~~
8749 ~~hazardous substance discharges; and~~

8750 5. ~~Adequate mitigation measures will be provided to maintain existing shoreline~~
8751 ~~processes and critical fish and wildlife habitat and ensure no net loss or function of~~

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8752 ~~intertidal or riparian habitat.))~~ If the requirements of subsection B.1. of this section are
 8753 met, the applicant shall include a geotechnical analysis of the following shoreline
 8754 stabilization measures and shall use the least ecologically impactful, technically feasible
 8755 option. Measures are provided as follows in order from the most preferred to least
 8756 preferred:

8757 a. nonstructural actions;

8758 b. soft shoreline stabilization; and

8759 c. hard shoreline stabilization; and

8760 3. If an existing stabilization structure is replaced, the original structure shall be
 8761 removed and the replacement structure shall be of the minimum size necessary to protect
 8762 upland development and uses.

8763 C. Shoreline stabilization ~~((to))~~ that replaces existing shoreline stabilization shall
 8764 be placed landward of the existing shoreline stabilization~~((, but may be placed waterward~~
 8765 ~~directly abutting the old structure only in cases where removal of the old structure would~~
 8766 ~~result in greater impact on ecological functions. In critical saltwater habitats,))~~ and the
 8767 existing shoreline stabilization shall not be allowed to remain in place ~~((if the existing~~
 8768 ~~shoreline stabilization is resulting in the loss of ecological functions. Adequate~~
 8769 ~~mitigation measures that maintain existing shoreline processes and critical fish and~~
 8770 ~~wildlife habitat must be provided that ensures no net loss or function of intertidal or~~
 8771 ~~riparian habitat)).~~ The impacts of the proposed replacement shoreline stabilization shall
 8772 be mitigated to ensure no net loss of ecological function.

8773 D. The maximum height of the proposed shoreline stabilization shall be no more
 8774 than one foot above the elevation of ~~((extreme high water))~~ the highest observed tide on

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8775 tidal waters, as determined by ~~((the National Ocean Survey published by))~~ the nearest
8776 National Oceanic and Atmospheric Administration long-term tidal gauge, or four feet in
8777 height on lakes.

8778 E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater
8779 habitat, unless a geotechnical report demonstrates an imminent danger to a legally
8780 established structure or public improvement. If allowed, shoreline stabilization along
8781 feeder bluffs and critical saltwater habitat must be designed to have the least impact on
8782 these resources and on sediment conveyance systems.

8783 F. Shoreline stabilization shall minimize the adverse impact on the property of
8784 others to the maximum extent practical.

8785 G. A shoreline stabilization's width should be the minimum necessary to provide
8786 protection against erosion from waves, currents, and tidal action. New and replacement
8787 ~~((S))~~shoreline stabilization shall not be used to create new lands.

8788 H. Shoreline stabilization shall not interfere with surface or subsurface drainage
8789 into the water body.

8790 I. Creosote timbers, treated wood, ((A))automobile bodies or other ~~((junk or~~
8791 ~~waste))~~ materials that may release ~~((undesirable))~~ toxic material shall not be used for
8792 shoreline stabilization.

8793 J. Shoreline stabilization shall be designed so as not to constitute a hazard to
8794 navigation and to not substantially interfere with visual access to the water.

8795 K. Shoreline stabilization shall be designed so as not to create a need for
8796 shoreline stabilization ~~((elsewhere))~~ on adjacent or down-current properties.

8797 L. Shoreline stabilization shall comply with the Marine Shoreline Design
 8798 Guidelines in marine waters (Washington Department of Fish and Wildlife 2014) or the
 8799 Integrated Stream Protection Guidelines (Washington state departments of Fish and
 8800 Wildlife, Ecology and Transportation, 2003) ((and shall be designed to allow for
 8801 appropriate public access to the shoreline)) in fresh water.

8802 M. The department shall provide a notice to an applicant for new development or
 8803 redevelopment located within the shoreline jurisdiction on Vashon and Maury Island that
 8804 the development may be impacted by sea level rise and recommend that the applicant
 8805 voluntarily consider setting the development back further than required by this title to
 8806 allow for future sea level rise.

8807 SECTION 148. Ordinance 13129, Section 2, as amended, and K.C.C.
 8808 21A.27.010 are hereby amended to read as follows:

8809 A. When a new transmission support structure is proposed, a community meeting
 8810 shall be convened by the applicant ~~((prior to))~~ before submittal of an application.

8811 ~~((A.))~~ B. At least two weeks in advance, notice of the meeting shall be provided
 8812 as follows:

- 8813 1. Published in the local paper and mailed to the department, and
- 8814 2. Mailed notice shall be provided to all property owners within five hundred
 8815 feet or at least twenty of the nearest property owners, whichever is greater, as required by
 8816 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible
 8817 development, to be discussed at the community meeting. When the proposed
 8818 transmission support structure exceeds a height of one hundred twenty feet, the mailed
 8819 notice shall be provided to all property owners within one thousand feet. The mailed

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8820 notice shall at a minimum contain a brief description and purpose of the project, the
8821 estimated height, approximate location noted on an assessor map with address and parcel
8822 number, a photo or sketch of the proposed facility, a statement that alternative sites
8823 proposed by ~~((citizens))~~ the public can be presented at the meeting that will be considered
8824 by the applicant, a contact name and telephone number to obtain additional information,
8825 and other information deemed necessary by King County. Because the purpose of the
8826 community meeting is to promote early discussion, applicants are encouraged to note any
8827 changes to the conceptual information presented in the mailed notice when they submit
8828 an application.

8829 ~~((B-))~~ C. At the community meeting at which at least one employee of the
8830 department of local services, permitting division, assigned by the permitting division
8831 manager or designee, shall be in attendance, the applicant shall provide information
8832 relative to existing transmission support structures and other nonresidential structures,
8833 such as water towers and electrical transmission lines, within one-quarter mile of
8834 potential sites, and shall discuss reasons why those existing structures are unfeasible.
8835 Furthermore, any alternative sites within one-quarter mile, identified by community
8836 members and provided to the applicant in writing at least five days in advance of the
8837 meeting, shall be evaluated by the applicant to the extent possible given the timeframe,
8838 and discussed at the meeting. A listing of the sites, identified in writing and provided to
8839 the applicant at or before the community meetings, shall be submitted to the department
8840 with the proposed application. Applicants shall also provide a list of meeting attendees
8841 and those receiving mailed notice and a record of the published meeting notice at the time
8842 of application submittal.

8843 SECTION 149. Ordinance 13129, Section 11, as amended, and K.C.C. 21A.27.110
8844 are hereby amended to read as follows:

8845 A. The mounting of antenna upon existing structures, such as light and power poles,
8846 located within publicly or privately maintained street, utility, and railroad (~~((right-of-ways))~~)
8847 rights of way is permitted outright. If an existing structure within a street, utility, or railroad
8848 (~~((rights-of-ways))~~) rights of way cannot accommodate an antenna due to structural deficiency
8849 or does not have the height required to provide adequate signal coverage, the structure may
8850 be replaced with a new structure that will serve the original purpose and will not exceed the
8851 original height by forty feet. However, minor communication facilities within street, utility,
8852 and railroad (~~((right-of-way))~~) right of way that propose the construction of a separate
8853 structure used solely for antenna shall be subject to the zoning provisions applicable to the
8854 property abutting the portion of (~~((right-of-way))~~) right of way where the structure is proposed
8855 except that the setbacks specified in the zoning code shall not apply. Setbacks shall be those
8856 specified in the road design standards. In cases where the abutting property on either side of
8857 the right-of-way has different zoning, the more restrictive zoning provisions shall apply.

8858 B. The placement of antenna on existing or replacement structures within street,
8859 utility, or railroad rights-of-way is the preferred alternative in residential neighborhoods and
8860 the Rural Area(~~(s)~~), as defined by the King County Comprehensive Plan, and designated
8861 Natural Resource Lands and the feasibility of such placement shall be considered by the
8862 county whenever evaluating a proposal for a new transmission support structure, except for
8863 a new structure that is proposed to collocate antenna for two or more separate service
8864 providers.

8865 SECTION 150. Ordinance 10870, Section 512, as amended, and K.C.C.

8866 21A.28.020 are hereby amended to read as follows:

8867 A. All new development proposals including any use, activity, or structure
8868 allowed by K.C.C. chapter 21A.08 that requires King County approval shall be
8869 adequately served by the following facilities and services (~~(prior to)~~) before the time of
8870 occupancy, recording or other land use approval, as further specified in this chapter:

- 8871 1. ~~((s))~~ Sewage disposal;
- 8872 2. ~~((w))~~ Water supply;
- 8873 3. ~~((s))~~ Surface water management;
- 8874 4. ~~((r))~~ Roads and access;
- 8875 5. ~~((f))~~ Fire protection service; and
- 8876 6. ~~((s))~~ Schools.

8877 B. All new development proposals for building permits, plats, short plats, (~~urban~~
8878 ~~planned developments, fully contained communities~~) and binding site plans, that will be
8879 served by a sewer or water district, shall include a certificate of water availability and a
8880 certificate of sewer availability to demonstrate compliance with this chapter and other
8881 provisions of the King County Code, the King County Comprehensive Plan, and the
8882 Growth Management Act.

8883 C. Regardless of the number of sequential permits required, (~~the provisions of~~)
8884 this chapter shall be applied only once to any single development proposal. If changes
8885 and modifications result in impacts not considered when the proposal was first approved,
8886 the county shall consider the revised proposal as a new development proposal.

8887 SECTION 151. Ordinance 10870, Section 513, as amended, and K.C.C.

8888 21A.28.030 are hereby amended to read as follows:

8889 All new development shall be served by an adequate public or private sewage
8890 disposal system, including both collection and treatment facilities as follows:

8891 A. A public sewage disposal system is adequate for a development proposal
8892 provided that:

8893 1. For the issuance of a building permit, preliminary plat or short plat approval,
8894 or other land use approval, the site of the proposed development is or can be served by an
8895 existing disposal system consistent with K.C.C. Title 13, and the disposal system has
8896 been approved by the department as being consistent with applicable state and local
8897 design and operating guidelines;

8898 2. For the issuance of a certificate of occupancy for a building or change of use
8899 permit, the approved public sewage disposal system as ~~((set forth))~~ required in subsection
8900 A.1. of this section is installed to serve each building or lot;

8901 3. For recording a final plat, final short plat, or binding site plan, the approved
8902 public sewage disposal system ~~((set forth))~~ required in subsection A.1. of this section
8903 shall be installed to serve each lot respectively; or a bond or similar security shall be
8904 deposited with King County for the future installation of an adequate sewage disposal
8905 system. The bond may be assigned to a utility to assure the construction of the facilities
8906 within two years of recording; and

8907 4. For a zone reclassification ~~((or urban planned development permit))~~, the
8908 timing of installation of required sewerage improvements shall be contained in the
8909 approving ordinance as specified in K.C.C. 20.22.250; and

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8910 B. A private individual sewage system is adequate, if an on-site sewage disposal
 8911 system for each individual building or lot is installed to meet the requirements and
 8912 standards of the ~~((department of))~~ public health - Seattle & King County as to lot size,
 8913 soils, and system design ~~((prior to))~~ before issuance of a certificate of occupancy for a
 8914 building or change of use permit.

8915 SECTION 152. Ordinance 10870, Section 514, as amended, and K.C.C.

8916 21A.28.040 are hereby amended to read as follows:

8917 All new development shall be served by an adequate public or private water
 8918 supply system as follows:

8919 A. A public water system is adequate for a development proposal only if:

8920 1. For the issuance of a building permit, preliminary plat approval, or other land
 8921 use approval, the applicant demonstrates that the existing water supply system available
 8922 to serve the site:

8923 a. complies with the applicable planning, operating, and design requirements
 8924 of:

8925 (1) chapters WAC 246-290 and 246-291;

8926 (2) K.C.C. chapters 14.42 and 14.44 and K.C.C. Title 17;

8927 (3) coordinated water system plans;

8928 (4) K.C.C. Titles 12 and 13 and other applicable rules of the King County

8929 board of health;

8930 (5) applicable rules of the Washington state Board of Health, Department of

8931 Health, Utilities and Transportation Commission, and Department of Ecology;

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8932 (6) applicable provisions of King County groundwater management plans and
8933 watershed plans;

8934 (7) applicable provisions of the King County Comprehensive Plan and
8935 development regulations; and

8936 (8) any limitation or condition imposed by the county-approved
8937 comprehensive plan of the water purveyor;

8938 b. ~~((F))~~the proposed improvements to an existing water system have been
8939 reviewed by the department and determined to comply with the design standards and
8940 conditions specified in subsection A.1.a. of this section; and

8941 c. ~~((A))~~ a proposed new water supply system has been reviewed by the
8942 department and determined to comply with the design standards and conditions specified
8943 in subsection A.1.a. of this section;

8944 2. Before issuance of a certificate of occupancy for a building or change of use
8945 permit, the approved public water system₂ and any system improvements in subsection
8946 A.1. of this section are installed to serve each building or lot respectively;

8947 3. For recording a final plat, final short plat₂ or binding site plan, either the
8948 approved public water supply system or system improvements in subsection A.1. of this
8949 section are installed to serve each lot or a bond or similar security shall be deposited with
8950 King County and may be assigned to a purveyor to assure the construction of required
8951 water facilities in Group A systems as defined by board of health regulations, within two
8952 years of recording; and

8953 4. For a zone reclassification (~~((or urban planned development permit))~~), the
8954 timing of installation of required water system improvements is included in the approving
8955 ordinance as specified in K.C.C. 20.22.250.

8956 B. An on-site individual water system is adequate and the plat or short plat may
8957 receive preliminary and final approval, and a building or change of use permit may be
8958 issued as provided in K.C.C. 13.24.138 and 13.24.140.

8959 SECTION 153. Ordinance 10870, Section 515, as amended, and K.C.C.
8960 21A.28.050 are hereby amended to read as follows:

8961 All new development shall be served by an adequate surface water management
8962 system as follows:

8963 A. The proposed system is adequate if the development proposal site is served by
8964 a surface water management system approved by the department as being consistent with
8965 the design, operating and procedural requirements of the King County Surface Water
8966 Design Manual and K.C.C. Title 9;

8967 B. For a subdivision(~~(τ)~~) or zone reclassification (~~((or urban planned~~
8968 ~~development))~~), the phased installation of required surface water management
8969 improvements shall be stated in the approving ordinance as specified in K.C.C.
8970 20.22.250. Such phasing may require that a bond or similar security be deposited with
8971 King County; and

8972 C. A request for an adjustment of the requirements of the Surface Water Design
8973 Manual and K.C.C. Title 9 shall be reviewed in accordance with K.C.C. 9.04.050 and
8974 does not require a variance from this title unless relief is requested from a building

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8975 height, setback, landscaping or other development standard in K.C.C. chapters 21A.12,
8976 21A.14, 21A.16, 21A.18, 21A.20, 21A.22, 21A.24, 21A.26, 21A.28, and 21A.30.

8977 SECTION 154. Ordinance 10870, Section 523, as amended, and K.C.C.

8978 21A.28.130 are hereby amended to read as follows:

8979 All new development shall be served by adequate fire protection as follows:

8980 A. The site of the development proposed is served by a water supply system that
8981 provides at least minimum fire flow and a road system or fire lane system that provides life
8982 safety and rescue access, and other fire protection requirements for buildings as required by
8983 K.C.C. Titles 16 and 17;

8984 B. For a zone reclassification (~~((or urban planned development))~~), the timing of
8985 installation of required fire protection improvements shall be stated in the approving
8986 ordinance as specified in K.C.C. 20.22.250, secured with a bond or similar security, and
8987 deposited with King County; and

8988 C. A variance request from the requirements established by K.C.C. Title 17, Fire
8989 Code, shall be reviewed in accordance with K.C.C. 17.08.090 or chapter 1 of the currently
8990 adopted edition of the International Fire Code and does not require a variance from this title
8991 unless relief is requested from a building height, setback, landscaping, or other development
8992 standard in K.C.C. chapters 21A.12 through 21A.30.

8993 SECTION 155. Ordinance 10870, Section 524, as amended, and K.C.C.

8994 21A.28.140 are hereby amended to read as follows:

8995 A. The school concurrency standard set out in (~~(Section))~~ K.C.C. 21A.28.160 shall
8996 apply to applications for preliminary plats (~~((or Urban Planned Development (UPD)~~
8997 ~~approval))~~), mobile home parks, (~~((requests for multifamily zoning,))~~) and building permits for

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8998 multifamily housing projects (~~(which)~~) that have not been previously evaluated for
 8999 compliance with the concurrency standard.

9000 B. The county's finding of concurrency shall be made at the time of preliminary plat
 9001 (~~(or UPD)~~) or binding site plan approval(~~(, at the time that a request to actualize potential~~
 9002 ~~multifamily zoning is approved, at the time a mobile home park site plan is approved,)) or~~
 9003 (~~(prior to)~~) before building permit issuance for multifamily housing projects (~~(which)~~) that
 9004 have not been previously established for compliance with the concurrency standard. (~~(Once~~
 9005 ~~such a finding has been made, the development shall be considered as vested for purposes of~~
 9006 ~~the concurrency determination.))~~)

9007 C. Excluded from the application of the concurrency standard are:

- 9008 1. building permits for individual single family dwellings;
- 9009 2. any form of housing exclusively for seniors ~~((citizens))~~, including nursing
 9010 homes and retirement centers;
- 9011 3. shelters for temporary placement, relocation facilities and transitional housing
 9012 facilities(~~(-)~~);
- 9013 4. Replacement, reconstruction, or remodeling of existing dwelling units;
- 9014 5. Short subdivisions; and
- 9015 6. (~~(Building permits for residential units in preliminary planned unit~~
 9016 ~~developments which were under consideration by King County on January 22, 1991;~~
- 9017 7. ~~Building permits for residential units in recorded planned unit developments~~
 9018 ~~approved pursuant to K.C.C. Title 21 that have not yet expired per K.C.C. 21.56.060;~~

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9019 ~~8. Building permits applied for by December 31, 1993, related to rezone~~
 9020 ~~applications to actualize potential zoning which were under consideration by King County~~
 9021 ~~on January 22, 1991;~~

9022 ~~9. Building permits applied for by December 31, 1993, related to residential~~
 9023 ~~development proposals for site plan review to fulfill P-Suffix requirements of multifamily~~
 9024 ~~zoning which were under consideration by King County on January 22, 1991; and~~

9025 ~~10.)) Any residential building permit for any development proposal for which a~~
 9026 ~~concurrency determination has already been made ((pursuant to the terms of)) in accordance~~
 9027 ~~with K.C.C. Title 21A.~~

9028 D. All of the development activities ~~((which))~~ that are excluded from the application
 9029 of the concurrency standard are subject to school impact fees imposed ~~((pursuant to))~~ under
 9030 K.C.C. Title 27.

9031 E. The assessment and payment of impact fees are governed by and shall be subject
 9032 to the provisions in K.C.C. Title 27 addressing school impact fees.

9033 F. A ~~((certification))~~ finding of concurrency for a school district shall not preclude
 9034 the county from collecting impact fees for the district. Impact fees may be assessed and
 9035 collected as long as the fees are used to fund capital and system improvements needed to
 9036 serve the new development, and as long as the use of such fees is consistent with ~~((the~~
 9037 ~~requirements of C))~~ chapter 82.02 RCW and this chapter. ((Pursuant to)) In accordance with
 9038 ~~((C))~~ chapter 82.02 RCW, impact fees may also be used to recoup capital and system
 9039 improvement costs previously incurred by a school district to the extent that new growth and
 9040 development will be served by the previously constructed improvements or incurred costs.

9041 SECTION 156. K.C.C. 21A.28.160, as amended by this ordinance, is hereby
 9042 recodified as a new section in K.C.C. chapter 21A.28 to follow K.C.C. 21A.28.140.

9043 SECTION 157. Ordinance 10870, Section 526, as amended, and K.C.C.
 9044 21A.28.160 are hereby amended to read as follows:

9045 A. Schools shall be considered to have been provided concurrently with the
 9046 development (~~((which))~~) that will impact the schools if:

9047 1. The permanent and interim improvements necessary to serve the development
 9048 are planned to be in place at the time the impacts of development are expected to occur; or

9049 2. The necessary financial commitments are in place to assure the completion of
 9050 the needed improvements to meet the school district's standard of service within ~~((3))~~ three
 9051 years of the time that the impacts of development are expected to occur. Necessary
 9052 improvements are those facilities identified by the school district in its capital facilities plan
 9053 as reviewed and adopted by King County.

9054 B. Any combination of the following shall constitute the "necessary financial
 9055 commitments" for the purposes of subsection A(~~(-)~~) of this section:

9056 1. The school district either has received voter approval of ~~((and/))~~ a bond or has
 9057 bonding authority, or both;

9058 2. The school district has received approval for federal, state, or other ~~((funds))~~
 9059 monies;

9060 3. The school district has received a secured commitment from a developer that the
 9061 developer will construct the needed permanent school facility, and the school district has
 9062 found such a facility to be acceptable and consistent with its capital facilities plan; ~~((and/))~~ or

9063 4. The school district has other assured funding, including, but not limited to
9064 school impact fees (~~((which))~~) that have been paid.

9065 C. Compliance with (~~((this))~~) the concurrency requirement of this section shall be
9066 sufficient to satisfy (~~((the provisions of))~~) RCW 58.17.060 and (~~((RCW))~~) 58.17.110.

9067 SECTION 158. K.C.C. 21A.28.150, as amended by this ordinance, is hereby
9068 recodified as a new section in K.C.C. chapter 21A.28 to follow K.C.C. 21A.28.160, as
9069 recodified by this ordinance.

9070 SECTION 159. Ordinance 10870, Section 525, as amended, and K.C.C.
9071 21A.28.150 are hereby amended to read as follows:

9072 A. In making a threshold determination (~~((pursuant to))~~) in accordance with SEPA,
9073 either the director (~~((and/))~~) or the hearing examiner, or both, in the course of reviewing
9074 proposals for residential development including applications for plats (~~((or UPD's))~~),
9075 mobile home parks, (~~((or multi-family zoning))~~) binding site plans, and multifamily
9076 building permits, shall consider the school district's capital facilities plan as adopted by
9077 the council.

9078 B. Documentation (~~((which))~~) that the school district is required to submit
9079 (~~((pursuant to section))~~) under K.C.C. 21A.28.152 or K.C.C. Title 20(~~((r))~~) shall be
9080 incorporated into the record in every case without requiring the school district to offer
9081 such plans and data into the record. The school district is also authorized to present
9082 testimony and documents demonstrating a lack of concurrency in the school district and
9083 the inability of the school district to accommodate the students to be generated by a
9084 specific development.

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9085 C. Based upon a finding that the impacts generated by the plat, ~~((the UPD,))~~
 9086 mobile home park, or the ~~((multi-family))~~ multifamily development were generally not
 9087 anticipated at the time of the last council review and approval of a school district capital
 9088 plan and were not included in the school district's long-range forecast, the director may
 9089 require or recommend phasing or provision of the needed facilities and ~~((/or))~~ sites as
 9090 appropriate to address the deficiency or deny or condition approval, consistent with ~~((the~~
 9091 ~~provisions of))~~ this chapter, the State Subdivision Act, and ~~((the State Environmental~~
 9092 ~~Policy Act))~~ SEPA.

9093 D. Determinations of the examiner or director regarding concurrency can be
 9094 appealed only ~~((pursuant to))~~ in accordance with the provisions for appeal of the
 9095 development permit process for which the determination has been made. Where no other
 9096 administrative appeal process is available, an appeal may be taken to the hearing
 9097 examiner using the appeal procedures for variances. Any errors in the formula identified
 9098 as a result of an appeal should be referred to the council for possible modifications.

9099 E. Where the council has not adopted an impact fee ordinance for a particular
 9100 school district, ~~((the language of))~~ this section shall not affect the authority or duties of
 9101 the examiner or the director ~~((pursuant to the State Environmental Policy Act))~~ under
 9102 SEPA or the State Subdivision Act.

9103 SECTION 160. Ordinance 11621, Section 89, and K.C.C. 21A.28.152 are hereby
 9104 amended to read as follows:

9105 A. On an annual basis, each school district shall electronically submit the
 9106 following materials to the chair of the ~~((S))~~ school ~~((T))~~ technical ~~((R))~~ review
 9107 ~~((C))~~ committee created ~~((pursuant to section))~~ in accordance with K.C.C. 21A.28.154:

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- 9108 1. The school district's capital facilities plan adopted by the school board
 9109 ~~((which))~~ that is consistent with the Growth Management Act((-));
- 9110 2. The school district's enrollment projections over the next six ~~((6))~~ six years,
 9111 its current enrollment and ~~((the district's enrollment projections and))~~ actual enrollment
 9112 from the previous year((-));
- 9113 3. The school district's standard of service((-), which may include criteria such
 9114 as class size, student-teacher ratios, sports field sizes, building requirements, or other
 9115 criteria established by state statute or school district policy;
- 9116 4. An inventory and evaluation of school district facilities ~~((which))~~ that address
 9117 the school district's standard of service((-); and
- 9118 5. The school district's overall capacity over the next six ~~((6))~~ six years, which
 9119 shall be a function of the school district's standard of service as measured by the number
 9120 of students ~~((which))~~ that can be housed in school district facilities.
- 9121 B. To the extent that the school district's standard of service reveals a deficiency
 9122 in its current facilities, the school district's capital facilities plan must demonstrate a plan
 9123 for achieving the standard of service, and must identify the sources of funding for
 9124 building or acquiring the necessary facilities to meet the standard of service.
- 9125 C. Facilities to meet future demand shall be designed to meet the adopted
 9126 standards of service. If sufficient funding is not projected to be available to fully fund a
 9127 school district capital facilities plan ~~((which))~~ that meets the standard of service, the
 9128 school district's capital plan should document the reason for the funding gap.
- 9129 D. In accordance with RCW 82.02.070, ((F))if an impact fee ordinance has been
 9130 adopted on behalf of a school district, the King County finance and business operations

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9131 division, or successor agency, shall send the chair of the committee a report showing the
 9132 source and amount of all fees collected, interest earned on behalf of each school district,
 9133 the amount of funds distributed to each school district, and the system improvements that
 9134 were financed in whole or in part by impact fees and the amount of funds expended as
 9135 reported by the school district. The chair of the committee shall provide a copy of each
 9136 report to the respective school district.

9137 E. Each school district shall ((also submit an annual)) annually report on their use
 9138 of funds to the ((School Technical Review)) chair of the ((€))committee showing the
 9139 capital improvements ((which)) that were financed in whole or in part by the impact fees.
 9140 The chair of the committee shall use the information to confirm expenditures with the
 9141 department of executive services, finance and business operations division, and to verify
 9142 compliance with RCW 82.02.070.

9143 SECTION 161. Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154
 9144 are hereby amended to read as follows:

9145 A. There is hereby created ((a)) the school technical review committee ((within
 9146 King County. The committee shall consist of three county staff persons,)) consisting of
 9147 the following representatives:

- 9148 1. ((ø))One ((each)) from the department of local services((;));
- 9149 2. One from the office of performance, strategy and budget; and
- 9150 3. One from the county council.

9151 B. The representative from the department of local services shall serve as the
 9152 chair of the committee.

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9153 C. The committee shall be charged with reviewing each school district's capital
 9154 facilities plan~~((;))~~; enrollment projections~~((;))~~; standard of service~~((, the district's))~~;
 9155 overall capacity for the next six years to ensure consistency with the Growth
 9156 Management Act, King County Comprehensive Plan₂, and adopted ~~((community))~~ subarea
 9157 plans~~((;))~~; and ~~((the district's))~~ calculation and rationale for proposed impact fees.

9158 ~~((C. Notice of the time and place of the committee meeting where the district's
 9159 documents will be considered shall be provided to the district.))~~

9160 D. Committee meetings shall be open to the public. The chair of the committee
 9161 shall post online public notice of the time and place of a committee meeting least two
 9162 weeks in advance of the meeting. Materials submitted under K.C.C. 21A.28.152.A. shall
 9163 be posted online at the same time as the meeting notice.

9164 E. At the meeting where the committee will review or act upon the school
 9165 district's documents, ~~((the))~~ school district representatives ~~((shall have the right to))~~ may
 9166 attend ~~((or to be represented, and shall be permitted to))~~ and present testimony to the
 9167 committee. ~~((Meetings shall also be open to the public.~~

9168 ~~E-))~~ F. In its review, the committee shall consider the following factors:

9169 1. Whether the school district's forecasting system for enrollment projections
 9170 has been demonstrated to be reliable and reasonable~~((;))~~;

9171 2. The historic levels of funding and voter support for bond issues in the school
 9172 district;

9173 3. The inability of the school district to obtain the anticipated state funding or to
 9174 receive voter approval for school district bond issues;

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9175 4. An emergency or emergencies in the school district (~~((which))~~) that required
 9176 the closing of a school facility or facilities resulting in a sudden and unanticipated decline
 9177 in districtwide capacity; (~~(and)~~)

9178 5. The standards of service set by school districts in similar types of
 9179 communities. While community differences will be permitted, the standard established
 9180 by the school district should be reasonably consistent with the standards set by other
 9181 school districts in communities of similar socioeconomic profile; and

9182 6. The standards identified by the state concerning the ratios of certificated
 9183 instructional staff to students.

9184 (~~(F.)~~) G. In the event that the school district's standard of service reveals a
 9185 deficiency in its current facilities, the committee shall review the school district's capital
 9186 facilities plan to determine whether the school district has identified all sources of
 9187 funding necessary to achieve the standard of service.

9188 (~~(G.)~~) H. The school district in developing the financing plan component of the
 9189 capital facilities plan shall plan on a six-year horizon and shall (~~((demonstrate its best~~
 9190 ~~efforts by taking))~~) document that it took the following steps:

9191 1. Establish a six-year financing plan, and propose the necessary bond issues
 9192 and levies required by and consistent with that plan and as approved by the school board
 9193 and consistent with RCW 28A.53.020, 84.52.052 and 84.52.056, as amended; and

9194 2. Apply to the state for funding, and comply with the state requirement for
 9195 eligibility to the best of the school district's ability.

9196 (~~(H.)~~) I. The committee (~~((is authorized to))~~) may request (~~((the))~~) that a school
 9197 district (~~((to))~~) review and (~~((to))~~) resubmit its capital facilities plan, (~~((or to))~~) establish a

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9198 different standard of service, or ~~((to))~~ review its capacity for accommodating new
 9199 students, or any combination thereof, under any of the following circumstances:

9200 1. The standard of service established by the school district is not reasonable in
 9201 light of the factors ~~((set forth))~~ in subsection ~~((E-))~~ G. of this section~~((:))~~;

9202 2. The committee finds that the school district's standard of service cannot
 9203 reasonably be achieved in light of the secured financial commitments and the historic
 9204 levels of support in the school district; or

9205 3. Any other basis that is consistent with this section.

9206 ~~((F-))~~ J. If a school district fails to submit its capital facilities plan for review by
 9207 the committee, King County shall assume the school district has adequate capacity to
 9208 accommodate growth for the following six years.

9209 ~~((F-))~~ K. The chair of the committee shall document the outcome of the
 9210 committee meeting each school district's capital facility plan and associated proposed
 9211 impact fees in a report. The report shall include analysis consistent with subsections E.
 9212 through I. of this section. The chair of ~~((F-))~~ the committee shall submit copies of its
 9213 ~~((recommendation of concurrency for each school district))~~ report to the director, ~~((to~~
 9214 ~~the))~~ hearing examiner and ~~((to the))~~ school districts and shall post the report online.

9215 ~~((K-))~~ L. In accordance with K.C.C. 20.18.060 and 20.18.070 and based on
 9216 committee input, ~~((F-))~~ the chair of the committee shall recommend to the executive, and
 9217 the executive shall transmit to the council, a proposed Comprehensive Plan amendment
 9218 adopting the school district's capital facilities plan as part of the Comprehensive Plan, for
 9219 any plan ~~((which))~~ that the committee concludes accurately reflects the school district's

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9220 facilities status. The transmittal shall include the report required by subsection J. of this
 9221 section.

9222 ~~((L.))~~ M. In the event that after reviewing ~~((the))~~ a school district's capital
 9223 facilities plan and other documents, the committee is unable to recommend ~~((certifying~~
 9224 ~~concurrency in a))~~ adoption of the school district's capital facilities plan, the chair of the
 9225 committee shall submit a statement to the council, ~~((the))~~ director, ~~((and the))~~ hearing
 9226 examiner, and school district stating ~~((that))~~ the committee's ~~((is unable to recommend~~
 9227 ~~certifying concurrency in a specific school district))~~ findings. The committee shall then
 9228 recommend to the executive ~~((that)), and the executive ((propose))~~ shall transmit to the
 9229 council consistent with the school capital facility plan timelines established in K.C.C.
 9230 20.18.060 and 20.18.070, either proposed amendments to the land use element of the
 9231 King County Comprehensive Plan or proposed amendments to the development
 9232 regulations implementing the plan, or both, to more closely conform county land use
 9233 plans and school district capital facilities plans, including, but not limited to, requiring
 9234 mandatory phasing of plats~~((, UPDs))~~ or multifamily development located within the
 9235 school district's boundary. ~~((The necessary draft amendments shall accompany such~~
 9236 ~~recommendations.))~~

9237 SECTION 162. Ordinance 11621, Section 91, as amended, and K.C.C. 21A.28.156
 9238 are hereby amended to read as follows:

9239 A. On at least an annual basis in accordance with K.C.C. 20.18.060 and
 9240 20.18.070, the King County council shall ~~((certify))~~ adopt the school district's capital
 9241 facility plans. ~~((The review may occur in conjunction with any update of the Facilities~~

9242 ~~and Services chapter of the King County Comprehensive Plan proposed by the school~~
 9243 ~~technical review committee.))~~

9244 B. The council shall review and consider any proposal or proposals submitted by
 9245 the school technical review committee for amending the land use policies of the King
 9246 County Comprehensive Plan, or the development regulations implementing the plan,
 9247 including but not limited to requiring mandatory phasing of plats(~~(, UPDs))~~) or
 9248 multifamily development when the committee is unable to recommend ~~((a certification of~~
 9249 ~~concurrency in))~~ adoption for a specific school district in accordance with K.C.C.
 9250 21A.28.154. Any proposed amendments to the ~~((e))~~Comprehensive ~~((p))~~Plan or
 9251 development regulations shall be subject to the public hearing and other procedural
 9252 requirements set out in K.C.C. Title 20 ~~((or 21A, as applicable)).~~

9253 C. The council may ~~((require the committee to submit proposed amendments or~~
 9254 ~~may itself))~~ initiate amendments to the land use policies of the King County
 9255 Comprehensive Plan, or amendments to the development regulations implementing the
 9256 plan, to more closely conform county land use plans and school district capital facilities
 9257 plans.

9258 SECTION 163. Ordinance 11168, Section 14, as amended, and K.C.C. 21A.30.075
 9259 are hereby amended to read as follows:

9260 In order to ensure that livestock standards and management plans are customized as
 9261 much as possible to the stream conditions in each of the various streams, the King County
 9262 agriculture commission will, in cooperation with the Washington State Department of
 9263 Fisheries and the Muckleshoot Indian Tribe, the Snoqualmie Indian Tribe, and other
 9264 affected Indian tribes, establish a livestock interdisciplinary team consisting of three

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9265 members, with expertise in fisheries, water quality, and animal husbandry, to make specific
9266 recommendations to the Conservation District and livestock owners adjacent to the streams
9267 with regard to buffer needs throughout the parts of each stream which have livestock
9268 operations adjoining such streams. The team shall take into account ~~((the recommendations~~
9269 ~~of the adopted Basin Plans and))~~ WRIA recommendations, and shall work with the
9270 department of natural resources and parks to develop the recommendations. The findings of
9271 the interdisciplinary team shall be reported to the King County agriculture commission,
9272 which shall assist in the dissemination of the recommendations to owners in the basin. The
9273 team shall work initially on those stream systems in which specific problems have been
9274 identified and are believed to be livestock related.

9275 SECTION 164. Ordinance 10870, Section 536, as amended, and K.C.C.
9276 21A.30.080 are hereby amended to read as follows:

9277 In the R, UR, NB, CB, and RB zones, residents of a dwelling unit may conduct one
9278 or more home occupations as accessory activities, only if:

9279 A. The total floor area of the dwelling unit devoted to all home occupations shall
9280 not exceed twenty percent of the floor area of the dwelling unit((-));

9281 B. Areas within garages and storage buildings shall not be considered part of the
9282 dwelling unit and may be used for activities associated with the home occupation;

9283 C. All the activities of the home occupation or occupations shall be conducted
9284 indoors, except for those related to growing or storing of plants used by the home
9285 occupation or occupations;

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9286 D. A home occupation or occupations is not limited in the number of employees
 9287 that remain off-site. No more than one nonresident employee shall be permitted to work on-
 9288 site for the home occupation or occupations;

9289 E. The following uses, by the nature of their operation or investment, tend to
 9290 increase beyond the limits permitted for home occupations. Therefore, the following shall
 9291 not be permitted as home occupations:

- 9292 1. Automobile, truck, and heavy equipment repair;
- 9293 2. Auto body work or painting;
- 9294 3. Parking and storage of heavy equipment;
- 9295 4. Storage of building materials for use on other properties;
- 9296 5. Hotels, motels, or organizational lodging;
- 9297 6. Dry cleaning;
- 9298 7. Towing services;
- 9299 8. Trucking, storage, or self service, except for parking or storage of one
 9300 commercial vehicle used in home occupation;
- 9301 9. Veterinary clinic;
- 9302 10. Recreational (~~marijuana~~) cannabis processor, recreational (~~marijuana~~)
 9303 cannabis producer or recreational (~~marijuana~~) cannabis retailer; and
- 9304 11. Winery, brewery, distillery facility I, II, and III, and remote tasting room,
 9305 except that home occupation adult beverage businesses operating under an active
 9306 Washington state Liquor and Cannabis Board production license issued for their current
 9307 location before December 31, 2019, and where King County did not object to the location
 9308 during the Washington state Liquor and Cannabis Board license application process, shall be

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9309 considered legally nonconforming and allowed to remain in their current location subject to
9310 K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of
9311 December 31, 2019. Such nonconforming businesses shall remain subject to all other
9312 requirements of this section and other applicable state and local regulations. The resident
9313 operator of a nonconforming winery, brewery, or distillery home occupation shall obtain an
9314 adult beverage business license in accordance with K.C.C. chapter 6.74;

9315 F. In addition to required parking for the dwelling unit, on-site parking is provided
9316 as follows:

- 9317 1. One stall for each nonresident employed by the home occupations; and
9318 2. One stall for patrons when services are rendered on-site;

9319 G. Sales are limited to:

- 9320 1. Mail order sales;
9321 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;

9322 and

- 9323 3. Items accessory to a service provided to patrons who receive services on the
9324 premises;

9325 H. On-site services to patrons are arranged by appointment;

9326 I. The home occupation or occupations use or store a vehicle for pickup of materials
9327 used by the home occupation or occupations or the distribution of products from the site,
9328 only if:

- 9329 1. No more than one such a vehicle is allowed; and
9330 2. The vehicle is not stored within any required setback areas of the lot or on
9331 adjacent streets; and

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- 9332 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one
9333 ton;
- 9334 J. The home occupation or occupations do not:
- 9335 1. Use electrical or mechanical equipment that results in a change to the occupancy
9336 type of the structure or structures used for the home occupation or occupations; or
- 9337 2. Cause visual or audible interference in radio or television receivers, or electronic
9338 equipment located off-premises or fluctuations in line voltage off-premises;
- 9339 K. There shall be no exterior evidence of a home occupation, other than growing or
9340 storing of plants under subsection C. of this section or a permitted sign, that would cause the
9341 premises to differ from its residential character. Exterior evidence includes, but is not
9342 limited to, lighting~~((;))~~ and the generation or emission of noise, fumes, or vibrations as
9343 determined by using normal senses from any lot line or on average increase vehicular traffic
9344 by more than four additional vehicles at any given time;
- 9345 L. Customer visits and deliveries shall be limited to ~~((the hours of))~~ 8:00 a.m. to
9346 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and
- 9347 M. Uses not allowed as home occupations may be allowed as a home industry under
9348 K.C.C. 21A.30.090.
- 9349 SECTION 165. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085
9350 are hereby amended to read as follows:
- 9351 In the A, F₂ and RA zones, residents of a dwelling unit may conduct one or more
9352 home occupations as accessory activities, under the following ~~((provisions))~~:
- 9353 A. The total floor area of the dwelling unit devoted to all home occupations shall
9354 not exceed twenty percent of the dwelling unit~~((;))~~;
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9355 B. Areas within garages and storage buildings shall not be considered part of the
9356 dwelling unit and may be used for activities associated with the home occupation;

9357 C. Total outdoor area of all home occupations shall be permitted as follows:

9358 1. For any lot less than one acre: Four hundred forty square feet; and

9359 2. For lots one acre or greater: One percent of the area of the lot, up to a

9360 maximum of five thousand square feet((-));

9361 D. Outdoor storage areas and parking areas related to home occupations shall be:

9362 1. No less than twenty-five feet from any property line; and

9363 2. Screened along the portions of such areas that can be seen from an adjacent

9364 parcel or roadway by the:

9365 a. planting of Type II landscape buffering; or

9366 b. use of existing vegetation that meets or can be augmented with additional

9367 plantings to meet the intent of Type II landscaping;

9368 E. A home occupation or occupations is not limited in the number of employees

9369 that remain off-site. Regardless of the number of home occupations, the number of

9370 nonresident employees is limited to no more than three who work on-site at the same

9371 time (~~and no more than three who report to the site but primarily provide services off-~~

9372 ~~site~~));

9373 F. In addition to required parking for the dwelling unit, on-site parking is

9374 provided as follows:

9375 1. One stall for each nonresident employed on-site; and

9376 2. One stall for patrons when services are rendered on-site;

9377 G. Sales are limited to:

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- 9378 1. Mail order sales;
- 9379 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;
- 9380 3. Items accessory to a service provided to patrons who receive services on the
- 9381 premises;
- 9382 4. Items grown, produced, or fabricated on-site; and
- 9383 5. On sites five acres or larger, items that support agriculture, equestrian, or
- 9384 forestry uses except for the following:
- 9385 a. motor vehicles and parts (~~(((North American Industrial Classification System~~
- 9386 ~~("NAICS" Code 441))~~ SIC Industry Groups 551, 552, and 553);
- 9387 b. electronics and appliances (~~(((NAICS Code 443))~~ SIC Industries 5731 and
- 9388 5722); and
- 9389 c. building material and garden equipment(~~(s)~~) and supplies (~~(((NAICS Code~~
- 9390 ~~444))~~ SIC Major Group 52);
- 9391 H. The home occupation or occupations do not:
- 9392 1. Use electrical or mechanical equipment that results in a change to the
- 9393 occupancy type of the structure or structures used for the home occupation or
- 9394 occupations;
- 9395 2. Cause visual or audible interference in radio or television receivers, or
- 9396 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 9397 3. Increase average vehicular traffic by more than four additional vehicles at any
- 9398 given time;
- 9399 I. Customer visits and deliveries shall be limited to (~~(the hours of)~~) 8:00 a.m. to
- 9400 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;
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- 9401 J. The following uses, by the nature of their operation or investment, tend to
9402 increase beyond the limits permitted for home occupations. Therefore, the following
9403 shall not be permitted as home occupations:
- 9404 1. Hotels, motels, or organizational lodging;
 - 9405 2. Dry cleaning;
 - 9406 3. Automotive towing services, automotive wrecking services, and tow-in
9407 parking lots;
 - 9408 4. Recreational (~~marijuana~~) cannabis processor, recreational (~~marijuana~~)
9409 cannabis producer, or recreational (~~marijuana~~) cannabis retailer; and
 - 9410 5. Winery, brewery, distillery facility I, II, and III, and remote tasting rooms,
9411 except that home occupation adult beverage businesses operating under an active
9412 Washington state Liquor and Cannabis Board production license issued for their current
9413 location before December 31, 2019, and where King County did not object to the location
9414 during the Washington state Liquor and Cannabis Board license application process, shall
9415 be considered legally nonconforming and allowed to remain in their current location
9416 subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this
9417 section as of December 31, 2019. Such nonconforming businesses shall remain subject
9418 to all other requirements of this section and all applicable state and local regulations. The
9419 resident operator of a nonconforming home occupation winery, brewery, or distillery
9420 shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74;
- 9421 K. Uses not allowed as home occupation may be allowed as a home industry
9422 under K.C.C. chapter 21A.30; and
- 9423 L. The home occupation or occupations may use or store vehicles, as follows:
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- 9424 1. The total number of vehicles for all home occupations shall be:
- 9425 a. for any lot five acres or less: two;
- 9426 b. for lots greater than five acres: three; and
- 9427 c. for lots greater than ten acres: four;
- 9428 2. The vehicles are not stored within any required setback areas of the lot or on
- 9429 adjacent streets; and
- 9430 3. The parking area for the vehicles shall not be considered part of the outdoor
- 9431 storage area provided for in subsection C. of this section.
- 9432 SECTION 166. Ordinance 10870, Section 537, as amended, and K.C.C.
- 9433 21A.30.090 are hereby amended to read as follows:
- 9434 A resident may establish a home industry as an accessory activity, as follows:
- 9435 A. The site area is one acre or greater;
- 9436 B. The area of the dwelling unit used for the home industry does not exceed fifty
- 9437 percent of the floor area of the dwelling unit((-));
- 9438 C. Areas within attached garages and storage buildings shall not be considered
- 9439 part of the dwelling unit for purposes of calculating allowable home industry area but
- 9440 may be used for storage of goods associated with the home industry;
- 9441 D. No more than six nonresidents who work on-site at the time;
- 9442 E. In addition to required parking for the dwelling unit, on-site parking is
- 9443 provided as follows:
- 9444 1. One stall for each nonresident employee of the home industry; and
- 9445 2. One stall for customer parking;

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9446 F. Additional customer parking shall be calculated for areas devoted to the home
9447 industry at the rate of one stall per:

9448 1. One thousand square feet of building floor area; and

9449 2. Two thousand square feet of outdoor work or storage area;

9450 G. Sales are limited to items produced on-site, except for items collected, traded,
9451 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

9452 H. Ten feet of Type I landscaping are provided around portions of parking and
9453 outside storage areas that are otherwise visible from adjacent properties or public (~~rights-~~
9454 ~~of-way~~) rights of way;

9455 I. The department ensures compatibility of the home industry by:

9456 1. Limiting the type and size of equipment used by the home industry to those
9457 that are compatible with the surrounding neighborhood;

9458 2. Providing for setbacks or screening as needed to protect adjacent residential
9459 properties;

9460 3. Specifying hours of operation;

9461 4. Determining acceptable levels of outdoor lighting; and

9462 5. Requiring sound level tests for activities determined to produce sound levels
9463 that may be in excess of those in K.C.C. chapter 12.88;

9464 J. Recreational (~~(marijuana)~~) cannabis processors, recreational (~~(marijuana)~~)
9465 cannabis producers and recreational (~~(marijuana)~~) cannabis retailers shall not be allowed
9466 as home industry; and

9467 K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall
9468 not be allowed as home industry, except that home industry adult beverage businesses

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9469 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit
9470 application before December 31, 2019, shall be considered legally nonconforming and
9471 allowed to remain in their current location subject to K.C.C. 21A.32.020 through
9472 21A.32.075. Such nonconforming businesses remain subject to all other requirements of
9473 this section and all applicable state and local regulations. The resident operator of a
9474 nonconforming winery, brewery, or distillery home industry shall obtain an adult
9475 beverage business license in accordance with K.C.C. chapter 6.74.

9476 SECTION 167. Ordinance 10870, Section 547, as amended, and K.C.C.
9477 21A.32.100 are hereby amended to read as follows:

9478 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be required
9479 for any of the following:

9480 A. A use not otherwise permitted in the zone that can be made compatible for a
9481 period of up to ~~((sixty))~~ twenty-four days a year, subject to K.C.C. 21A.32.120;

9482 B. The expansion of an established use that:

- 9483 1. Is otherwise allowed in the zone;
9484 2. Is not inconsistent with the original land use approval;
9485 3. Exceeds the scope of the original land use approval; and
9486 4. Can be made compatible with the zone for a period of up to ~~((sixty))~~ twenty-four
9487 days a year, subject to K.C.C. 21A.32.120; or

9488 C. Events at a winery, brewery, distillery facility or remote tasting room that include
9489 one or more of the following activities:

- 9490 1. Exceeds the permitted building occupancy;
9491 2. Utilizes portable toilets;

- 9492 3. Utilizes parking that exceeds the maximum number of spaces allowed by this
 9493 title on-site or utilizes off-site parking;
- 9494 4. Utilizes temporary stages;
- 9495 5. Utilizes temporary tents or canopies that require a permit;
- 9496 6. Requires traffic control for public (~~rights of way~~) rights of way; or
- 9497 7. Extends beyond allowed hours of operation.

9498 SECTION 168. Ordinance 10870, Section 548, as amended, and K.C.C.
 9499 21A.32.110 are hereby amended to read as follows:

9500 A. The following uses shall be exempt from requirements for a temporary use
 9501 permit when located in the RB, CB, NB, O₂ or I zones for the time period specified below:

- 9502 1. Uses not to exceed a total of thirty days each calendar year:
- 9503 a. Christmas tree lots; and
- 9504 b. Produce stands.
- 9505 2. Uses not to exceed a total of fourteen days each calendar year:
- 9506 a. Amusement rides, carnivals, or circuses;
- 9507 b. Community festivals; and
- 9508 c. Parking lot sales.

9509 B. Any use not exceeding a cumulative total of two days each calendar year and
 9510 five hundred attendees and employees per day shall be exempt from requirements for a
 9511 temporary use permit.

9512 C. Any community event held in a park and not exceeding a period of seven days
 9513 shall be exempt from requirements for a temporary use permit.

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9514 D. Christmas tree sales not exceeding a total of thirty days each calendar year when
9515 located on Rural Area (RA) zoned property with legally established non-residential uses
9516 shall be exempt from requirements for a temporary use permit.

9517 E.1. Events at a winery, brewery, distillery facility II or III shall not require a
9518 temporary use permit if:

9519 a. The business is operating under an active Washington state Liquor and
9520 Cannabis Board production license issued for their current location before December 31,
9521 2019, and where King County did not object to the location during the Washington state
9522 Liquor and Cannabis Board license application process;

9523 b. The parcel is at least eight acres in size;

9524 c. The structures used for the event maintain a setback of at least one hundred
9525 fifty feet from interior property lines;

9526 d. The parcel is located in the RA zone;

9527 e. The parcel has access directly from and to a principal arterial or state highway;

9528 f. The event does not use amplified sound outdoors before 12:00 p.m. or after
9529 8:00 p.m.

9530 2. Events that meet the provisions in this subsection E. shall not be subject to ~~((the~~
9531 ~~provisions of))~~ K.C.C. 21A.32.120, as long as the events occur no more frequently than an
9532 annual average of eight days per month.

9533 SECTION 169. Ordinance 10870, Section 549, as amended, and K.C.C.
9534 21A.32.120 are hereby amended to read as follows:

9535 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45, temporary
9536 use permits shall be limited in duration and frequency as follows:

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9537 A. The temporary use permit shall be effective for one year from the date of
9538 issuance and may be renewed annually as provided in subsection D. of this section;

9539 B.1. The temporary use shall not:

9540 a. ~~((€))~~Exceed a total of ~~((sixty))~~ twenty-four days in any ~~((three hundred sixty-~~
9541 ~~five day))~~ three hundred sixty-five-day period~~((;))~~, four days in any month, and three days in
9542 any week. If the total duration of the temporary use is no more than ten days in a three
9543 hundred sixty-five-day period, those ten days may be consecutive in any month or any week
9544 or both. This subsection B.1.a. applies only to the days that the event or events actually take
9545 place~~((;))~~; and

9546 b. Occur in more than six consecutive or non-consecutive months out of the year.

9547 2. For a winery, brewery, distillery facility II and III in the A zone, the temporary
9548 use shall not exceed a total of two events per month and all event parking must be
9549 accommodated on-site or managed through a parking management plan approved by the
9550 director. This subsection B.2. applies only to the days that the event or events actually take
9551 place.

9552 3. For a winery, brewery, distillery facility II and III in the RA zone, the temporary
9553 use shall not exceed a total of twenty-four days in any three-hundred-sixty-five-day period
9554 and all event parking must be accommodated on-site or managed through a parking
9555 management plan approved by the director. This subsection B.3. applies only to the days
9556 that the event or events actually take place.

9557 4. For a winery, brewery, distillery facility II in the A or RA zones, in addition to
9558 all other relevant facts, the department shall consider building occupancy and parking
9559 limitations during permit review, and shall condition the number of guests allowed for a

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9560 temporary use based on those limitations. The department shall not authorize attendance of
9561 more than one hundred fifty guests.

9562 5. For a winery, brewery, distillery facility III in the A or RA zones, in addition to
9563 all other relevant facts, the department shall consider building occupancy and parking
9564 limitations during permit review, and shall condition the number of guests allowed for a
9565 temporary use based on those limitations. The department shall not authorize attendance of
9566 more than two hundred fifty guests.

9567 6. Events for any winery, brewery, distillery facility I in the RA zone, any
9568 nonconforming winery, brewery, distillery facility home occupation, or any nonconforming
9569 winery, brewery, distillery facility home industry shall be limited to two per year, and
9570 limited to a maximum of fifty guests. If the event complies with this subsection B.6., a
9571 temporary use permit is not required for a special event for a winery, brewery, distillery
9572 facility I in the RA zone, a nonconforming home occupation winery, brewery, distillery
9573 facility or a nonconforming home industry winery, brewery, distillery facility.

9574 7. For a winery, brewery, distillery facility II and III in the RA zone, events
9575 exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use
9576 permit shall not be subject to ~~((the provisions of))~~ this section;

9577 C. The temporary use permit shall specify a date upon which the use shall be
9578 allowed, terminated, and removed; and

9579 D. A temporary use permit may be renewed annually for up to a total of ~~((five))~~ four
9580 consecutive years as follows:

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9581 1. The applicant shall make a written request and pay the applicable permit
9582 extension fees for renewal of the temporary use permit at least seventy days before the end
9583 of the permit period;

9584 2. The department must determine that the temporary use is being conducted in
9585 compliance with the conditions of the temporary use permit;

9586 3. The department must determine that site conditions have not changed since the
9587 original temporary permit was issued; ~~((and))~~

9588 4. The temporary use must demonstrate compliance with current development
9589 regulations; and

9590 5. At least forty-five days before the end of the permit period, the department shall
9591 notify property owners within five hundred feet of the property boundaries that a temporary
9592 use permit extension has been requested and contact information to request additional
9593 information or to provide comments on the proposed extension.

9594 NEW SECTION. SECTION 170. There is hereby added to K.C.C. chapter 21A.32
9595 a new section to read as follows:

9596 A. The size of a temporary use shall be scaled based upon building occupancies, site
9597 area, access, and environmental considerations and be limited to no more than two hundred
9598 fifty guests.

9599 B. Areas used for temporary uses shall comply with building setback requirements
9600 for the zone in which they are located.

9601 C. Temporary use shall adequately provide the following, as approved by the
9602 county and commensurate with the size and scale of the temporary use, including for
9603 customers, guests, and workers associated with the temporary use:

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-
- 9604 1. Temporary sanitary facilities;
- 9605 2. Potable water;
- 9606 3. Safe vehicle parking, access, and traffic control, as specified by the sheriff's
- 9607 office or department of local services, roads division, or both;
- 9608 4. Accessibility for persons with disabilities; and
- 9609 5. Noise compliance consistent with K.C.C. chapter 12.86.

9610 SECTION 171. Ordinance 10870, Section 555, as amended, and K.C.C.

9611 21A.32.180 are hereby amended to read as follows:

9612 One temporary real estate office may be located on any new residential

9613 development, provided that activities are limited to the initial sale or rental of property or

9614 units within the development. The office use shall be discontinued within one year of

9615 recording of a short subdivision or issuance of a final certificate of occupancy for a ~~((#))~~

9616 duplex, triplex, fourplex, apartment, or townhouse development, and within two years of the

9617 recording of a formal subdivision.

9618 SECTION 172. Ordinance 10870, Section 559, and K.C.C. 21A.32.220 are hereby

9619 amended to read as follows:

9620 In order to ~~((insure))~~ ensure that significant features of the property are protected

9621 ~~((pursuant to))~~ under K.C.C. chapter 20.62, the following standards shall apply to

9622 conversion of historic buildings:

9623 A. Gross floor area of building additions or new buildings required for the

9624 conversion shall not exceed ~~((20))~~ twenty percent of the gross floor area of the historic

9625 building, unless allowed by the zone;

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9626 B. Conversions to duplexes, triplexes, fourplexes, apartments, or townhouses shall
9627 not exceed one dwelling unit for each (~~(3,600)~~) three thousand six hundred square feet of lot
9628 area, unless allowed by the zone; and

9629 C. Any construction required for the conversion shall require certification of
9630 appropriateness from the King County Landmark Commission.

9631 SECTION 173. Ordinance 17710, Section 14, as amended, and K.C.C. 21A.32.250
9632 are hereby amended to read as follows:

9633 For those recreational (~~(marijuana)~~) cannabis production and processing facilities
9634 requiring a conditional use permit under this title, as part of the permit review process,
9635 the department may require the applicant to submit an odor management plan for any
9636 areas of indoor processing or ventilation of any structure used to produce or process
9637 (~~(marijuana)~~) cannabis. The purpose of such a plan is to minimize odors and fumes from
9638 chemicals or products used in or resulting from either production or processing, or both,
9639 of (~~(marijuana)~~) cannabis.

9640 SECTION 174. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010
9641 are hereby amended to read as follows:

9642 A. The purpose of the transfer of development rights program is to transfer
9643 residential density from eligible sending sites to eligible receiving sites through a voluntary
9644 process that permanently preserves urban, rural, and resource lands that provide a public
9645 benefit. The TDR provisions are intended to supplement land use regulations, resource
9646 protection efforts, and open space acquisition programs and to encourage increased
9647 residential development density or increased commercial square footage, especially inside

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9648 cities, where it can best be accommodated with the least impacts on the natural environment
9649 and public services by:

9650 1. Providing an effective and predictable incentive process for property owners of
9651 rural, resource (~~(and)~~), urban separator, and other eligible urban land to preserve lands with
9652 a public benefit as described in K.C.C. 21A.37.020; and

9653 2. Providing an efficient and streamlined administrative review system to ensure
9654 that transfers of development rights to receiving sites are evaluated in a timely way and
9655 balanced with other county goals and policies, and are adjusted to the specific conditions of
9656 each receiving site.

9657 B. The TDR provisions in this chapter shall only apply to TDR receiving site
9658 development proposals:

9659 1. Submitted on or after September 17, 2001, and applications for approval of
9660 TDR sending sites submitted on or after September 17, 2001; and

9661 2. For properties within the Skyway-West Hill or North Highline community
9662 service area subarea geographies, only as provided in K.C.C. chapter 21A.48.

9663 C. For the purposes of this chapter, the term "conservation easement" includes other
9664 similar encumbrances, where appropriate.

9665 SECTION 175. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030
9666 are hereby amended to read as follows:

9667 A. Receiving sites shall be:

9668 1. King County unincorporated urban sites, except as limited in subsection D. of
9669 this section or as provided elsewhere in this Title, zoned R-4 through R-48, NB, CB, RB₂ or

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9670 O, or any combination thereof. The sites may also be within potential annexation areas
9671 established under the countywide planning policies; or

9672 2. Cities where new growth is or will be encouraged under the Growth
9673 Management Act and the countywide planning policies and where facilities and services
9674 exist or where public investments in facilities and services will be made, or

9675 3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that
9676 meet the criteria listed in this subsection A.3. may receive development rights transferred
9677 from rural forest focus areas, and accordingly may be subdivided and developed at a
9678 maximum density of one dwelling per two and one-half acres. Increased density allowed
9679 through the designation of rural receiving areas:

- 9680 a. must be eligible to be served by domestic Group A public water service;
- 9681 b. must be located within one-quarter mile of an existing predominant pattern of
9682 rural lots smaller than five acres in size;
- 9683 c. must not adversely impact regionally or locally significant resource areas or
9684 critical areas;
- 9685 d. must not require public services and facilities to be extended to create or
9686 encourage a new pattern of smaller lots;
- 9687 e. must not be located within rural forest focus areas; and
- 9688 f. must not be located on Vashon Island or Maury Island.

9689 B. Except as provided in this chapter, development of an unincorporated King
9690 County receiving site shall remain subject to all zoning code provisions for the base zone,
9691 except TDR receiving site developments shall comply with dimensional standards of the

9692 zone with a base density most closely comparable to the total approved density of the TDR
 9693 receiving site development.

9694 C. Except as otherwise provided in this title, ((A))an unincorporated King County
 9695 receiving site may accept development rights from one or more sending sites, as follows:

9696 1. ~~((For short subdivisions, u))~~Up to the maximum density permitted under K.C.C.
 9697 21A.12.030 and 21A.12.040; and

9698 2. For formal subdivisions, only ~~((as authorized in a subarea study that includes a
 9699 comprehensive analysis of the impacts of receiving development rights))~~ if the hearing
 9700 examiner finds that the additional density from use of TDRs at the proposed subdivision
 9701 does not create unmitigated impacts beyond those created by development at base density.

9702 D. Property located within the outer boundaries of the Noise Remedy Areas as
 9703 identified by the Seattle-Tacoma International Airport may not accept development rights.

9704 E. Property located within the shoreline jurisdiction or located on Vashon Island or
 9705 Maury Island may not accept development rights.

9706 SECTION 176. Ordinance 13274, Section 6, as amended, and K.C.C.
 9707 21A.37.040 are hereby amended to read as follows:

9708 A. The number of residential development rights that an unincorporated sending
 9709 site is eligible to send to a receiving site shall be determined by applying the TDR
 9710 sending site base density established in subsection D. of this section to the area of the
 9711 sending site, after deducting the area associated with any existing development allowed
 9712 to remain under the terms of the conservation easement conserving the site, any retained
 9713 development rights and any portion of the sending site already in a conservation
 9714 easement ~~((or other similar encumbrance))~~. For each existing dwelling unit or retained

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9715 development right, the sending site area shall be reduced by an area equivalent to the base
9716 density for that zone under K.C.C. 21A.12.030.

9717 B. Any fractions of development rights that result from the calculations in
9718 subsection A. of this section shall ~~((not be included in the final determination of total~~
9719 ~~development rights available for transfer))~~ be rounded up to the next largest whole
9720 number if the calculation results in a fraction of 0.5 or greater or shall be rounded down
9721 to the next smallest whole number if the calculation results in a fraction less than 0.5.

9722 C. For purposes of calculating the amount of development rights a sending site
9723 can transfer, the amount of land contained within a sending site shall be determined as
9724 follows:

9725 1. If the sending site is an entire tax lot, the square footage or acreage shall be
9726 determined by:

9727 a. ~~((by))~~ the King County department of assessments records; ~~((or))~~

9728 b. ~~((by))~~ geographic information system mapping confirmed by King County;

9729 or

9730 c. a survey funded by the applicant that has been prepared and stamped by a
9731 surveyor licensed in the state of Washington; and

9732 2. If the sending site consists of a lot that is divided by a zoning boundary, the
9733 square footage or acreage shall be calculated separately for each zoning classification.

9734 The square footage or acreage within each zoning classification shall be determined by
9735 the King County record of the action that established the zoning and property lines, such
9736 as an approved lot line adjustment. When such records are not available or are not
9737 adequate to determine the square footage or acreage within each zoning classification,

9738 TDR program staff shall calculate, and the department of local services, permitting
 9739 division, shall ~~((calculate))~~ confirm, the square footage or acreage through the geographic
 9740 information system ~~((GIS))~~ mapping system.

9741 D. For the purposes of the ~~((transfer of development rights-))~~TDR~~((+))~~ program
 9742 only, the following TDR sending site base densities apply:

9743 1. Sending sites designated in the King County Comprehensive Plan as urban
 9744 separator ~~((and))~~ or zoned R-1 shall have a base density of four dwelling units per acre;

9745 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two
 9746 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25
 9747 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25
 9748 acres;

9749 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
 9750 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and
 9751 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated
 9752 one additional TDR for each vacant lot that is smaller than two and one-half acres or five
 9753 acres, respectively;

9754 4. Sending sites zoned RA and that have a designation under the King County
 9755 Shoreline Master Program of conservancy or natural shall be allocated one additional
 9756 TDR per legal lot;

9757 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling
 9758 unit per five acres for transfer purposes only;

9759 6. Sending sites zoned F within the forest production district shall have a base
 9760 density of one dwelling unit per eighty-acres or one dwelling unit per each lot that is

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9761 between fifteen and eighty acres in size. A TDR sending site zoned F that is awarded
9762 certified TDRs under K.C.C. 21A.37.070 may be qualified for one additional TDR for
9763 each legal lot that is eligible to create a verified carbon credits under K.C.C. chapter
9764 18.35. Certification of any additional TDRs qualified under this subsection D.6. of this
9765 section is contingent upon applicant enrolling in a verified carbon program under K.C.C.
9766 chapter 18.35, which must occur within five years of initial sending site certification,
9767 subject to interagency committee review and approval; ((or.))

9768 7. Vacant marine shoreline sending sites without any armoring or bulkheads
9769 shall be allocated one additional TDR per legal lot; and

9770 8. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.
9771 21A.37.020.A.2.g. shall be allocated TDRs that are equivalent to the zoning base density
9772 established in K.C.C. 21A.12.030 for every one acre of gross land area.

9773 E. A sending site zoned RA, A₂, or F may send one development right for every
9774 legal lot larger than five thousand square feet that was created on or before September 17,
9775 2001, with no retained development rights, if that number is greater than the number of
9776 development rights determined under subsection A. of this section. A sending site zoned
9777 R-1 may send one development right for every legal lot larger than two thousand five
9778 hundred square feet that was created on or before September 17, 2001, with no retained
9779 development rights, if that number is greater than the number of development rights
9780 determined under subsection A. of this section.

9781 F. The number of development rights that a King County unincorporated rural or
9782 natural resources land sending site is eligible to send to a King County incorporated
9783 urban area receiving site shall be determined through the application of a conversion ratio

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9784 established by King County and the incorporated municipal jurisdiction. The conversion
9785 ratio will be applied to the number of available sending site development rights
9786 determined under subsection A. or E. of this section.

9787 G. Development rights from one sending site may be allocated to more than one
9788 receiving site and one receiving site may accept development rights from more than one
9789 sending site.

9790 H. The determination of the number of residential development rights a sending
9791 site has available for transfer to a receiving site shall be valid for transfer purposes only,
9792 shall be documented in a TDR qualification report prepared by the department of natural
9793 resources and parks and sent to the applicant. The qualification report ~~((and))~~ shall be
9794 considered a final determination, not to be revised due to changes to the sending site's
9795 zoning, and shall be valid unless conditions on the sending site property that would affect
9796 the number of development rights the sending site has available for transfer have
9797 changed.

9798 I. Each residential ~~((transferable development right))~~ TDR that originates from a
9799 sending site zoned RA, A₂ or F shall be designated "Rural" and is equivalent to two
9800 additional units above base density in eligible receiving sites located in unincorporated
9801 urban King County. Each residential ~~((transferable development right))~~ TDR that
9802 originates from a sending site zoned R-1 urban separator shall be designated "Urban" and
9803 is equivalent to one additional unit above base density. Each residential transferable
9804 development right that originates from a sending site in urban unincorporated area lands
9805 meeting the criteria in K.C.C. 21A.37.020.A.2.g. shall be designated "Urban" and is
9806 equivalent to one additional unit above the base density.

9807 SECTION 177. Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050

9808 are hereby amended to read as follows:

9809 A. Following the transfer of residential development rights, a sending site may
9810 subsequently accommodate remaining residential dwelling units, if any, on the buildable
9811 portion of the parcel or parcels or be subdivided, consistent with the zoned base density
9812 ~~((provisions of the density and dimensions tables))~~ in K.C.C. 21A.12.030 and 21A.12.040,
9813 the allowable dwelling unit calculations in K.C.C. 21A.12.070, and other King County
9814 development regulations. Any remaining residential dwelling units and associated
9815 accessory units shall be located in a single and contiguous reserved residential area that shall
9816 be adjacent to any existing development or roadways on the property. The reserved
9817 residential area shall ~~((be equal to))~~ not exceed the acreage associated with the minimum lot
9818 size of the zone for each remaining residential dwelling unit. For sending sites zoned RA,
9819 the subdivision potential remaining after a density transfer may only be actualized through a
9820 clustered subdivision, short subdivision or binding site plan that creates a permanent
9821 preservation tract as large or larger than the portion of the subdivision set aside as lots.
9822 Within rural forest focus areas, resource use tracts shall be at least fifteen acres of
9823 contiguous forest land.

9824 B. Only those nonresidential uses directly related to, and supportive of the criteria
9825 under which the site qualified are allowed on a sending site.

9826 C. The applicable limitations in this section shall be included in the sending site
9827 conservation easement.

9828 SECTION 178. Ordinance 14190, Section 8, as amended, and K.C.C.

9829 21A.37.060 are hereby amended to read as follows:

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9830 A. ~~((Prior to))~~ Before issuing a certificate for transferable development rights
9831 ~~((to))~~ for a sending site, the department of natural resources and parks, or its successor
9832 shall record deed restrictions in the form of a conservation easement documenting the
9833 development rights that have been removed from the property ~~((and shall place a notice~~
9834 ~~on the title of the sending site))~~. The department of local services, permitting division, or
9835 its successor, shall establish and maintain an internal tracking system that identifies all
9836 certified transfer of developments rights sending sites.

9837 B. A conservation easement granted to the county or other appropriate land
9838 management agency and that meets the requirements of K.C.C. 21A.37.050 shall be
9839 required for land contained in the sending site. The conservation easement shall be
9840 documented by a map. The conservation easement shall be placed on the entire lot or
9841 lots. The conservation easement shall identify limitations in perpetuity on future
9842 residential and nonresidential development consistent with this chapter, as follows:

9843 1. A conservation easement~~((, which))~~ that contains the easement map, shall be
9844 recorded on the entire sending site to indicate development limitations on the sending
9845 site;

9846 2. For a sending site zoned A-10 or A-35, the conservation easement shall be
9847 consistent in form and substance with the purchase agreements used in the agricultural
9848 land development rights purchase program. The conservation easement shall preclude
9849 subdivision of the subject property but may permit not more than one dwelling per
9850 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

9851 3. For a rural sending site, the conservation easement shall allow for restoration,
9852 maintenance, or enhancement of native vegetation. A present conditions report shall be

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9853 required to document the location of existing structures and existing native vegetation
9854 and the baseline conservation values of protected property at the time the conservation
9855 easement is put in place. If residential development will be allowed on the site under the
9856 conservation easement, the present conditions report shall be used to guide the location of
9857 residential development;

9858 4. For a sending site qualifying as habitat for federal listed endangered or
9859 threatened species, the conservation easement shall protect habitat and allow for
9860 restoration, maintenance, or enhancement of native vegetation. A present conditions
9861 report shall be required to document the location of existing structures. If existing or
9862 future residential development will be allowed on the site under the conservation
9863 easement, the present conditions report shall be used by the owner to guide the location
9864 of residential development; and

9865 5. For a sending site zoned F, the conservation easement shall encumber the
9866 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to
9867 participate in the TDR program if they include any existing dwelling units intended to be
9868 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and
9869 eighty acres in size, the sending site must include the entire lot. For lots greater than
9870 eighty acres in size, the sending site shall be a minimum of eighty acres. The
9871 conservation easement shall permit forestry uses subject to a forest stewardship plan
9872 prepared by the applicant and approved by the county for ongoing forest management
9873 practices. The Forest Stewardship Plan shall serve as a present conditions report
9874 documenting the baseline conditions of the property and shall include a description of the

9875 site's forest resources and the long term forest management objectives of the property
 9876 owner(~~(, and shall not impose standards that exceed Title 222 WAC)~~).

9877 SECTION 179. Ordinance 13274, Section 7, as amended, and K.C.C.

9878 21A.37.070 are hereby amended to read as follows:

9879 A. An interagency review committee, chaired by the department of local services
 9880 permitting division manager and the director of the department of natural resources and
 9881 parks, or designees, shall be responsible for qualification of sending sites.

9882 Determinations on sending site certifications made by the committee are appealable to the
 9883 examiner under K.C.C. 20.22.040. The department of natural resources and parks shall
 9884 be responsible for preparing a TDR qualification report, which shall be signed by the
 9885 director of the department of natural resources and parks or designee, documenting the
 9886 review and decision of the committee. The qualification report shall:

9887 1. Specify all deficiencies of an application, if the decision of the committee is
 9888 to disqualify the application;

9889 2. For all qualifying applications, provide a determination as to whether (~~or~~
 9890 ~~not~~) additional residential dwelling units and associated accessory units may be
 9891 accommodated in accordance with K.C.C. 21A.37.050.A.; and

9892 3. Be issued a TDR certification letter within sixty days of the date of submittal
 9893 of a completed sending site certification application.

9894 B. Responsibility for preparing a completed application rests exclusively with the
 9895 applicant. Application for sending site certification shall include:

9896 1. A legal description of the site;

9897 2. A title report;

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- 9898 3. A brief description of the site resources and public benefit to be preserved;
- 9899 4. A site plan showing the existing and proposed dwelling units, nonresidential
9900 structures, driveways, submerged lands, and any area already subject to a conservation
9901 easement (~~(or other similar encumbrance)~~);
- 9902 5. Assessors map or maps of the lot or lots;
- 9903 6. A statement of intent indicating whether the property ownership, after TDR
9904 certification, will be retained in private ownership or dedicated to King County or another
9905 public or private nonprofit agency;
- 9906 7. Any or all of the following written in conformance with criteria established
9907 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
9908 habitat for a threatened or endangered species:
- 9909 a. a wildlife habitat conservation plan;
- 9910 b. a wildlife habitat restoration plan; or
- 9911 c. a wildlife present conditions report;
- 9912 8. If the site qualifies as an urban unincorporated area sending site meeting the
9913 criteria in K.C.C. 21A.37.020.A.2.g.;
- 9914 9. A forest stewardship plan, written in conformance with criteria established
9915 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
9916 21A.37.060.B.3. and 6.;
- 9917 10. An affidavit of compliance with the reforestation requirements of the Forest
9918 Practices Act and any additional reforestation conditions of the forest practices permit for
9919 the site, if required under K.C.C. 21A.37.020.D.;

9920 11. A completed density calculation worksheet for estimating the number of
9921 available development rights; and

9922 12. The application fee consistent with K.C.C. 27.10.170.

9923 SECTION 180. Ordinance 13274, Section 8, as amended, and K.C.C.
9924 21A.37.080 are hereby amended to read as follows:

9925 A. ~~((TDR development rights w))~~Where both the proposed sending and receiving
9926 sites would be within unincorporated King County, development rights shall be
9927 transferred using the following process:

9928 1. Following interagency review committee review and approval of the sending
9929 site application as described in K.C.C. 21A.37.070 the interagency review committee
9930 shall issue a TDR qualification report, agreeing to issue a TDR certificate in exchange for
9931 the proposed sending site conservation easement. After signing and notarizing the
9932 conservation easement and receiving the TDR certificate from the county, the sending
9933 site owner may market the TDRs ~~((sending site development rights))~~ to potential
9934 purchasers. The TDR certificate shall be in the name of the property owner and separate
9935 from the land title. If a TDR sending site that has been reviewed and approved by the
9936 interagency review committee changes ownership, the TDR qualification report may be
9937 transferred to the new owner if requested in writing to the department of natural resources
9938 and parks by the person or persons that owned the property when the TDR qualification
9939 report was issued, if documents evidencing the transfer of ownership are also provided to
9940 the department of natural resources and parks;

9941 2. In applying for receiving site approval, the applicant shall provide the
9942 department of local services, permitting division, with one of the following:

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-
- 9943 a. a TDR qualification report issued in the name of the applicant~~((;))~~;
- 9944 b. a TDR qualification report issued in the name of another person or persons
- 9945 and a copy of a signed option to purchase those TDRs ~~((sending site development~~
- 9946 ~~rights,))~~;
- 9947 c. a TDR certificate issued in the name of the applicant~~((;))~~; or
- 9948 d. a TDR certificate issued in the name of another person or persons and a
- 9949 copy of a signed option to purchase those TDRs ~~((sending site development rights))~~;
- 9950 3. Following building permit approval, but before building permit issuance by
- 9951 the department of local services, permitting division, or following preliminary plat
- 9952 approval or preliminary short plat approval, but before final plat or short plat recording of
- 9953 a receiving site development proposal ~~((which))~~ that includes the use of TDRs
- 9954 ~~((development rights))~~, the receiving site applicant shall deliver the TDR certificate
- 9955 issued in the applicant's name for the number of TDRs ~~((development rights))~~ being used
- 9956 and the TDR extinguishment document to the county;
- 9957 4. When the receiving site development proposal requires a public hearing
- 9958 under this title or K.C.C. Title 19A ~~((or its successor))~~, that public hearing shall also
- 9959 serve as the hearing on the TDR proposal. The reviewing authority shall make a
- 9960 consolidated decision on the proposed development and use of TDRs ~~((development~~
- 9961 ~~rights))~~ and consider any appeals of the TDR proposal under the same appeal procedures
- 9962 ~~((set forth))~~ for the development proposal; ~~((and))~~
- 9963 5. When the development proposal does not require a public hearing under this
- 9964 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the
-

9965 development proposal, and any appeals of the TDR proposal shall be considered under
 9966 the same appeal procedures (~~(set forth)~~) for the development proposal(~~(-)~~); and

9967 6. Development rights from a sending site shall be considered transferred to a
 9968 receiving site when a final decision is made on the TDR receiving area development
 9969 proposal, the sending site is permanently protected by a completed and recorded (~~(land~~
 9970 ~~dedication or)~~) conservation easement, notification has been provided to the King County
 9971 assessor's office and a TDR extinguishment document has been provided to the
 9972 department of natural resources and parks, or its successor.

9973 B. (~~(TDR development rights w))~~Where the proposed receiving site would be
 9974 within an incorporated King County municipal jurisdiction, the development proposal
 9975 shall be reviewed and transferred using that jurisdiction's development application review
 9976 process.

9977 SECTION 181. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100
 9978 are hereby amended to read as follows:

9979 The purpose of the TDR bank is to assist in the implementation of the (~~(transfer of~~
 9980 ~~development rights (-))~~TDR(~~(+))~~) program by bridging the time gap between willing sellers
 9981 and buyers of development rights by purchasing and selling development rights,
 9982 purchasing conservation easements, and facilitating interlocal TDR agreements with
 9983 cities in King County through the provision of amenity funds. The TDR bank may
 9984 acquire development rights and conservation easements only from sending sites (~~(located~~
 9985 ~~in the rural area or in an agricultural or forest land use designation in the King County~~
 9986 ~~Comprehensive Plan, or in the urban unincorporated area only from sites meeting the~~
 9987 ~~criteria in K.C.C. 21A.37.020.A.2.g)) allowed in K.C.C. 21A.37.020. Except for~~

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9988 development rights purchased for use in affordable housing developments in accordance
 9989 with K.C.C. 21A.37.130, ((D))development rights purchased from the TDR bank may
 9990 only be used for receiving sites in cities, in Snoqualmie Pass Rural Town as provided in
 9991 this title, or in the urban unincorporated area as designated in the King County
 9992 Comprehensive Plan.

9993 SECTION 182. Ordinance 13733, Section 10, as amended, and K.C.C.
 9994 21A.37.110 are hereby amended to read as follows:

9995 A. The TDR bank may purchase development rights from qualified sending sites
 9996 at prices not to exceed fair market value and ((to)) sell development rights at prices not
 9997 less than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may
 9998 accept donations of development rights from qualified TDR sending sites.

9999 B. The TDR bank may purchase a conservation easement only if the property
 10000 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
 10001 qualification report, the conservation easement restricts development of the sending site
 10002 in the manner required by K.C.C. 21A.37.060 and the development rights generated by
 10003 encumbering the sending site with the conservation easement are issued to the TDR bank
 10004 at no additional cost.

10005 C. Any development rights, generated by encumbering property with a
 10006 conservation easement, may be issued to the TDR bank if:

10007 1.a. The conservation easement is acquired through a county park, open space,
 10008 trail, agricultural, forestry or other natural resource acquisition program for a property
 10009 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

10010 b. the property is acquired by the county with the intent of conveying the
10011 property encumbered by a reserved conservation easement. The number of development
10012 rights generated by this reserved conservation easement shall be determined by the TDR
10013 qualification report; and

10014 2. Under either subsection C.1.a. or b. of this section, there will be no additional
10015 cost to the county for acquiring the development rights.

10016 D. The TDR bank may use funds to facilitate development rights transfers.
10017 These expenditures may include, but are not limited to, establishing and maintaining
10018 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals,
10019 and reimbursing the costs incurred by the department of natural resources and parks,
10020 water and land resources division, or its successor, for administering the TDR bank fund
10021 and executing development rights purchases and sales.

10022 E. The TDR bank fund may be used to cover the cost of providing staff support
10023 for identifying and qualifying sending and receiving sites, and the costs of providing staff
10024 support for the TDR interagency review committee.

10025 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
10026 bank development rights shall be available for acquisition of additional development
10027 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King
10028 County and for projects in receiving areas located in urban unincorporated King County.
10029 Amenity funds provided to a city from the sale of TDR bank development rights to that
10030 city are limited to one-third of the proceeds from the sale.

10031 SECTION 183. Ordinance 13733, Section 11, as amended, and K.C.C.
10032 21A.37.120 are hereby amended to read as follows:

Ordinance

10033 A. The department of natural resources and parks, water and land resources
 10034 division, or its successor, shall administer the TDR bank fund and execute purchases of
 10035 development rights and conservation easements and sales of development rights in a
 10036 timely manner consistent with policy set by the TDR executive board. These
 10037 responsibilities include, but are not limited to:

- 10038 1. Managing the TDR bank fund;
- 10039 2. Authorizing and monitoring expenditures;
- 10040 3. Keeping records of the dates, amounts and locations of development rights
 10041 purchases and sales, and conservation easement purchases;
- 10042 4. Executing development rights purchases, sales, and conservation easements;
- 10043 and
- 10044 5. Providing periodic summary reports of TDR bank activity for TDR executive
 10045 board consideration.

10046 B. The department of natural resources and parks, water and land resources
 10047 division, or its successor, in executing purchase and sale agreements for acquisition of
 10048 development rights and conservation easements shall ensure sufficient values are being
 10049 obtained and that all transactions~~((;))~~ or conservation easements ~~((or fee simple~~
 10050 ~~acquisitions))~~ are consistent with public land acquisition guidelines.

10051 SECTION 184. Ordinance 13733, Section 12, as amended, and K.C.C.

10052 21A.37.130 are hereby amended to read as follows:

10053 A.1. The sale of ~~((development rights))~~ TDRs by the TDR bank shall be at a price
 10054 that equals or exceeds the fair market value of the ~~((development rights))~~ TDRs, except
 10055 as provided in subsection A.2. of this section. The fair market value of the ~~((development~~

Ordinance

10056 ~~rights))~~ TDRs shall be established by the department of natural resources and parks and
10057 shall be based on the amount the county paid for the development rights and the
10058 prevailing market conditions.

10059 2.a. The department of natural resources and parks shall undertake a "TDR for
10060 affordable housing" pilot program, in which (~~(transferrable development rights))~~ TDRs
10061 necessary to construct up to one hundred total units shall be sold at the administrative
10062 cost incurred by the county or fifteen percent of the fair market value of the development
10063 rights, whichever is less.

10064 b. In order to qualify for this program, all units built using the development
10065 rights must be either:

10066 (1) rental housing permanently priced to serve households with a total
10067 household income at or below sixty percent of (~~(AMI))~~ area median income. A covenant
10068 on the property that specifies the income level being served, rent levels and requirements
10069 for reporting to King County shall be recorded at final approval; or

10070 (2) housing reserved for income- and asset-qualified home buyers with total
10071 household income at or below sixty percent of (~~(AMI))~~ area median income. The units
10072 shall be limited to owner-occupied housing with prices restricted based on typical
10073 underwriting ratios and other lending standards, and with no restriction placed on resale.
10074 Final approval conditions shall specify requirements for reporting to King County on
10075 both buyer eligibility and housing prices.

10076 c.(1) In areas where the inclusionary housing regulations adopted in K.C.C.
10077 chapter 21A.48 apply, development rights to build units through this pilot program shall
10078 only be sold for units in accordance with K.C.C. 21A.48.020 or K.C.C. 21.48.030.

Ordinance

10079 (2) For all other areas in unincorporated King County, in the R-4 through R-
 10080 48 zones, development rights to build units through this pilot program shall only be sold
 10081 for units between one hundred fifty percent and two hundred percent of the receiving
 10082 site's base density (~~(as set forth)~~) in K.C.C. 21A.12.030.

10083 d.(1) The department of natural resources and parks shall track the sale of
 10084 development rights and completion of units constructed through this program. When the
 10085 one hundred unit threshold is reached, the department shall, within six months of that
 10086 date, transmit a report to the council that includes, but is not limited to:

10087 (a) the location of the receiving sites where development rights under this
 10088 pilot program were used;

10089 (b) lessons learned from the pilot program, including feedback from
 10090 developers who purchased development rights through the program; and

10091 (c) a recommendation on whether to make the pilot program permanent,
 10092 repeal the program, or modify the program.

10093 (2) the report shall be accompanied by a proposed ordinance effectuating the
 10094 recommendation in subsection A.2.d.(1)(c) of this section.

10095 (3) the report and proposed ordinance shall be electronically filed (~~(in the~~
 10096 ~~form of a paper original and an electronic copy)~~) with the clerk of the council, who shall
 10097 (~~(retain the original and)~~) provide an electronic copy to all councilmembers, the council
 10098 chief of staff, and the lead staff to the (~~(mobility)~~) transportation, economy and
 10099 environment committee, or its successor.

10100 B. When selling development rights, the TDR bank may select prospective
 10101 purchasers based on the price offered for the development rights, the number of

10102 development rights offered to be purchased, and the potential for the sale to achieve the
 10103 purposes of the TDR program.

10104 C. The TDR bank may sell development rights only in whole or half increments
 10105 to unincorporated and incorporated receiving sites through an interlocal agreement or,
 10106 after the county enacts legislation that complies with chapter 365-198 WAC, to
 10107 incorporated to receiving sites in a city that has enacted legislation that complies with
 10108 chapter 365-198 WAC. (~~The TDR bank may sell development rights only in whole~~
 10109 ~~increments to unincorporated King County receiving sites.~~)

10110 D. All offers to purchase (~~development rights~~) TDRs from the TDR bank shall
 10111 be in writing, shall include a certification that the (~~development rights~~) TDRs, if used,
 10112 shall be used only inside an identified city or within the urban unincorporated area,
 10113 (~~include a minimum ten percent down payment with purchase option,~~) shall include the
 10114 number of (~~development rights~~) TDRs to be purchased, location of the receiving site,
 10115 proposed purchase price, and the required date or dates for completion of the sale, not
 10116 later than three years after the date of receipt by King County of the purchase offer.

10117 E. Payment for purchase of (~~development rights~~) TDRs from the TDR bank
 10118 shall be in full at the time the (~~development rights~~) TDRs are transferred unless
 10119 otherwise authorized by the department of natural resources and parks.

10120 SECTION 185. Ordinance 13733, Section 13, as amended, and K.C.C.

10121 21A.37.140 are hereby amended to read as follows:

10122 A. For development rights sold by the TDR bank to be used in incorporated
 10123 receiving site areas, the county and the affected city or cities must either have executed
 10124 an interlocal agreement and the city or cities must have enacted appropriate legislation to

10125 implement the program for the receiving area or the county and the affected city or cities
10126 must each have enacted legislation that complies with chapter 365-198 WAC.

10127 B.1. At a minimum, each interlocal agreement shall:

10128 a. ~~((shall))~~ describe the legislation that the receiving jurisdiction adopted or
10129 will adopt to allow the use of ~~((development rights))~~ TDR;

10130 b. ~~((shall))~~ identify the receiving area;

10131 c. ~~((shall))~~ require the execution of a TDR extinguishment document in
10132 conformance with K.C.C. 21A.37.080; and

10133 d. ~~((shall))~~ address the conversion ratio to be used in the receiving site area.

10134 2. If the city is to receive any amenity funds, the interlocal agreement shall ~~((set
10135 forth))~~ establish the amount of funding and the amenities to be provided in accordance
10136 with K.C.C. 21A.37.150.I. Such an interlocal agreement may also indicate that a priority
10137 should be given by the county to acquiring ~~((development rights))~~ TDRs from sending
10138 sites in specified geographic areas. If a city has a particular interest in the preservation of
10139 land in a rural or resource area or in the specific conditions on which it will be preserved,
10140 then the interlocal agreement may provide for periodic inspection or special terms in the
10141 conservation easement to be recorded against the sending site as a preacquisition
10142 condition to purchases of ~~((development rights))~~ TDRs within specified areas by the TDR
10143 bank.

10144 C. A TDR conversion ratio for development rights purchased from a sending site
10145 and transferred to an incorporated receiving site area may express the amount of
10146 additional development rights in terms of any combination of units, floor area, height or

10147 other applicable development standards that may be modified by the city to provide
10148 incentives for the purchase of ~~((development rights))~~ TDRs.

10149 NEW SECTION. SECTION 186. There is hereby added to K.C.C. chapter
10150 21A.37 a new section to read as follows:

10151 A. The TDR bank may establish in-lieu fee TDRs by collecting a fee-in-lieu of
10152 selling TDRs from the TDR bank when TDR inventory is unavailable.

10153 1. TDR executive board shall determine when in-lieu fee TDRs may be made
10154 available by considering the following:

10155 a. inventory of TDR bank and privately-owned TDRs;

10156 b. type of TDR needed by receiving site;

10157 c. price of available privately-owned TDRs; and

10158 d. opportunities to obtain new TDRs from eligible sending sites.

10159 2. In-lieu fee TDRs may be designated as rural or urban.

10160 3. The TDR bank shall sell in-lieu fee TDRs in accordance with K.C.C.

10161 21A.37.130 and 21A.37.140.

10162 4. In-lieu fee TDRs shall not be used for rural receiving sites.

10163 B. The TDR bank shall establish and maintain an internal tracking system that
10164 identifies all funds collected through the sale of in-lieu fee TDRs, the quantity of in-lieu
10165 fee TDRs purchased through the TDR bank, and all TDRs purchased using funds
10166 collected from the sale of in-lieu fee TDRs.

10167 C. The TDR bank shall use funds collected from the sale of in-lieu fee TDRs to
10168 purchase TDRs from qualified sending sites in a type and amount that is appropriate for
10169 the development use and in accordance with K.C.C. 21A.37.110. Funds collected from

10170 the sale of in-lieu fee TDRs that were designated as rural shall be used to purchase TDRs
 10171 from rural or resource lands.

10172 NEW SECTION. SECTION 187. There is hereby added to K.C.C. chapter
 10173 21A.37 a new section to read as follows:

10174 By May 1, 2026, and every two years thereafter, the executive shall electronically
 10175 file a TDR program report with the clerk of the council, who shall provide an electronic
 10176 copy to all councilmembers, the council chief of staff, and the lead staff for the
 10177 transportation economy and environment committee or its successor. The TDR program
 10178 report should address the following:

- 10179 A. Information on sending site enrollments;
- 10180 B. Information on uses of TDRs at receiving sites;
- 10181 C. An accounting of revenues received and expenditures made through the TDR
 10182 bank; and
- 10183 D. The status of amenity funding for receiving areas.

10184 SECTION 188. Ordinance 10870, Section 579, as amended, and K.C.C.
 10185 21A.38.030 are hereby amended to read as follows:

- 10186 A. Property-specific development standards, denoted by the zoning map symbol -P
 10187 after the zone's map symbol or a notation in the geographic information system data layers,
 10188 shall be established on individual properties through either reclassifications or area zoning.
 10189 All property-specific development standards are contained in Appendix ~~((e))~~ A to
 10190 Ordinance 12824 ~~((as currently in effect or hereinafter amended))~~, as amended, and shall be
 10191 maintained by the department of local services, permitting division, in the Property Specific
 10192 Development Conditions notebook. Upon the effective date of reclassification of a property

Ordinance

10193 to a zone with a "-P" suffix, the property-specific development standards adopted thereby
 10194 shall apply to any development proposal on the subject property subject to county review,
 10195 including, but not limited to, a building permit, grading permit, subdivision, short
 10196 subdivision, subsequent reclassification to a potential zone, (~~urban planned development,~~)
 10197 conditional use permit, variance, and special use permit.

10198 B. Property-specific development standards shall address problems unique to
 10199 individual properties or a limited number of neighboring properties that are not addressed or
 10200 anticipated by general minimum requirements of this title or other regulations.

10201 C. Property-specific development standards shall cite the provisions of this title, if
 10202 any, that are to be augmented, limited, or increased, shall be supported by documentation
 10203 that addresses the need for such a condition or conditions, and shall include street addresses,
 10204 tax lot numbers, or other clear means of identifying the properties subject to the additional
 10205 standards. Property-specific development standards are limited to:

- 10206 1. Limiting the range of permitted land uses;
- 10207 2. Requiring special development standards for property with physical constraints
 10208 (~~(e.g.)~~), such as environmental hazards(~~(;)~~) and view corridors(~~(;)~~);
- 10209 3. Requiring specific site design features (~~(e.g.)~~), such as building orientation, lot
 10210 layout, clustering, trails, or access location(~~(;)~~);
- 10211 4. Specifying the phasing of the development of a site;
- 10212 5. Requiring public facility site dedications or improvements (~~(e.g.)~~), such as
 10213 roads, utilities, parks, open space, trails, or school sites(~~(;)~~); or
- 10214 6. Designating sending and receiving sites for transferring density credits as
 10215 provided in K.C.C. chapter (~~(21A.36)~~) 21A.37.

Ordinance

10216 D. Property-specific development standards shall not be used to expand permitted
 10217 uses or reduce minimum requirements of this title.

10218 SECTION 189. Ordinance 10870, Section 578, as amended, and K.C.C.
 10219 21A.38.050 are hereby amended to read as follows:

10220 A. The purpose of the pedestrian-oriented commercial development special
 10221 district overlay is to provide for high-density, pedestrian-oriented retail and employment
 10222 uses. The pedestrian-oriented commercial districts shall only be established in areas
 10223 designated as a center on the adopted Urban Centers map of the King County
 10224 Comprehensive Plan and zoned CB, RB₂ or O.

10225 B. Permitted uses shall be those uses permitted in the underlying zone, excluding
 10226 the following:

- 10227 1. Motor vehicle, boat₂ and mobile home dealer;
- 10228 2. Gasoline service station;
- 10229 3. Uses with drive-through facilities, except SIC Industry Number 5812 (Eating
 10230 places) in buildings existing before July 2017;
- 10231 4. SIC Industry Group 598 (Fuel dealers);
- 10232 5. Uses with outside storage, ~~((e.g.))~~ such as lumber yards, miscellaneous
 10233 equipment rental₂ or machinery sales;
- 10234 6. Bulk retail;
- 10235 7. ~~((Recreation/))~~ Recreational and cultural uses ~~((as set forth))~~ in K.C.C.
 10236 21A.08.040, except parks, sports clubs, theaters, libraries₂ and museums;
- 10237 8. SIC Major Group 75 (Automotive repair, services₂ and parking) except 7521
 10238 (automobile parking; but excluding tow-in parking lots);

Ordinance

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- 10239 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,
10240 clock and jewelry repair);
- 10241 10. SIC Major Group 78 (Motion pictures);
- 10242 11. SIC Major Group 80 (Health services), except offices and outpatient clinics
10243 (801-804);
- 10244 12. SIC Industry Group 421 (Trucking and courier service);
- 10245 13. Public agency archive;
- 10246 14. Self-service storage;
- 10247 15. Manufacturing land uses (~~(as set forth)~~) in K.C.C. 21A.08.080, except SIC
10248 Industry Code 2759 (Commercial printing);
- 10249 16. Resource land uses (~~(as set forth)~~) in K.C.C. 21A.08.090;
- 10250 17. SIC Industry Code 7261 (Funeral home/crematory);
- 10251 18. Cemetery, columbarium, or mausoleum;
- 10252 19. Interim recycling facility;
- 10253 20. Utility facility, except underground water, gas, or wastewater pipelines; and
10254 21. Vector waste receiving facility.
- 10255 C. The following development standards shall apply to development located in
10256 pedestrian-oriented commercial overlay districts:
- 10257 1. For properties that have frontage on a public street, the following conditions
10258 shall apply:
- 10259 a. main building entrances shall be oriented to the public street;
- 10260 b. at the ground floor (at grade), buildings shall be located no more than five
10261 feet from the sidewalk or sidewalk improvement, but shall not encroach on the public
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Ordinance

10262 right-of-way. For buildings existing before August 20, 2020, with setbacks greater than
10263 five feet and that have substantial improvements made to them after August 20, 2020, a
10264 minimum five-foot-wide pedestrian walkway shall be constructed that connects the main
10265 building entrance to the public sidewalk or sidewalk improvement;

10266 c. building facades shall comprise at least seventy-five percent of the total
10267 street frontage for a property and if applicable, at least seventy-five percent of the total
10268 pedestrian route frontage for a property;

10269 d. minimum setbacks of the underlying zoning are waived;

10270 e. building facades that front onto a street shall incorporate windows into at
10271 least thirty percent of the building facade surface area and overhead protection above all
10272 building entrances and along at least fifty percent of length of the building facade, which
10273 may extend over the sidewalk if it does not impede use of the sidewalk by the public;

10274 f. ground floor building facades shall include ornamentation such as decorative
10275 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;
10276 and

10277 g. buildings facades shall not be comprised of uninterrupted glass curtain walls or
10278 mirrored glass;

10279 2. vehicle access shall be limited to the rear access alley or rear access street
10280 where such an alley or street exists;

10281 3. Floor-to-lot area ratio shall not exceed 5:1 for nonresidential structures, not
10282 including parking structures;

Ordinance

10283 4. The landscaping requirements of K.C.C. chapter 21A.16 shall apply to all
 10284 new development and buildings existing before August 20, 2020, that have substantial
 10285 improvements made to them after August 20, 2020; and

10286 5. Off-street parking requirements K.C.C. 21A.18.110 and K.C.C. 21A.48.050
 10287 shall apply, except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by
 10288 the director shall only allow use of on-street parallel parking in front of or adjacent to the
 10289 subject parcel for the parking spaces that cannot be accommodated to the rear or sides of
 10290 buildings.

10291 SECTION 190. Ordinance 12809, Section 5, as amended, and K.C.C.
 10292 21A.38.120 are hereby amended to read as follows:

10293 A. The purpose of the wetland management area special overlay district is to
 10294 provide a means to designate certain unique and outstanding wetlands when necessary to
 10295 protect their functions and values from the impacts created from geographic and hydrologic
 10296 isolation and impervious surface.

10297 B. the following development standards shall be applied in addition to all applicable
 10298 requirements of K.C.C. chapter 21A.24 to development proposals located within a wetland
 10299 management area district overlay:

10300 1. All subdivisions and short subdivisions on residentially zoned (~~properties that~~
 10301 ~~are identified in an adopted basin plan for impervious surface limitations,)) lands located
 10302 within the wetland management area shall have a maximum impervious surface area of
 10303 eight percent of the gross acreage of the plat. (~~For areas that are not covered by an adopted~~
 10304 ~~basin plan, this limit shall apply to all residentially zoned lands located within the wetland~~
 10305 ~~management area.)) Distribution of the allowable impervious area among the platted lots~~~~

Ordinance

10306 shall be recorded on the face of the plat. Impervious surface of existing roads need not be
 10307 counted towards the allowable impervious area. This condition may be modified by the
 10308 director for the minimum necessary to accommodate unusual site access conditions; and

10309 2. All ~~((subdivisions and short subdivisions on properties identified in an adopted~~
 10310 ~~basin plan for clustering and setback requirements))~~ lands containing or adjacent to a
 10311 wetland, a stream tributary corridor, or a swale connecting wetlands shall be required to
 10312 cluster away from wetlands or the axis of corridors along stream tributaries and identified
 10313 swales connecting wetlands in order to minimize land disturbance and maximize distance
 10314 from these sensitive features. At least sixty-five percent of affected portions of RA-zoned
 10315 properties and at least fifty percent of all other affected portions of the property shall be left
 10316 in native vegetation, preferably forest, and placed in a permanent open space tract. ~~((In the~~
 10317 ~~absence of a basin plan, these requirements shall apply to all lands containing or adjacent to~~
 10318 ~~a wetland, a stream tributary corridor or a swale connecting wetlands; and~~

10319 3. ~~Clearing and grading activity from October 1 through March 31 shall meet the~~
 10320 ~~provisions of K.C.C. 16.82.150D wherever not already applicable.))~~

10321 SECTION 191. Ordinance 12823, Section 10, and K.C.C. 21A.38.150 are hereby
 10322 amended to read as follows:

10323 A. The purpose of the ~~((ground water))~~ groundwater protection special district
 10324 overlay is to limit land uses that have the potential to severely contaminate groundwater
 10325 supplies and to provide increased areas of permeable surface to allow for infiltration of
 10326 surface water into ground resources.

10327 B. For all commercial and industrial development proposals, at least ~~((40))~~ forty
 10328 percent of the site shall remain in natural vegetation or planted with landscaping, which area

Ordinance

10329 shall be used to maintain predevelopment infiltration rates for the entire site. For purposes
 10330 of this special district overlay, the following shall be considered commercial and industrial
 10331 land uses:

10332 1. ~~((amusement/entertainment))~~ Recreational and cultural land uses as defined by
 10333 K.C.C. 21A.08.040, except trails, golf facilities, and arboretums;

10334 2. ~~((g))~~ General services land uses as defined by K.C.C. 21A.08.050, except health
 10335 ~~((and educational))~~ services land uses, education services land uses, daycare ((±)) I,
 10336 ~~((churches, synagogues, and temples))~~ and religious facilities;

10337 3. ~~((g))~~ Government/business services land uses as defined by K.C.C. 21A.08.060,
 10338 except government services land uses;

10339 4. ~~((f))~~ Retail~~((/wholesale))~~ land uses as defined by K.C.C. 21A.08.070, except
 10340 forest product sales and agricultural product sales;

10341 5. ~~((m))~~ Manufacturing land uses as defined by K.C.C. 21A.08.080; and~~((r))~~

10342 6. ~~((mineral extraction and processing))~~ Resource land uses as defined by K.C.C.
 10343 21A.08.090, except agriculture land uses, forestry and uses, fish and wildlife management
 10344 land uses, and accessory uses.

10345 C. Permitted uses within the area of the ground water protection special district
 10346 overlay shall be those permitted in the underlying zone, excluding the following ~~((as defined~~
 10347 ~~by Standard Industrial Classification number and type))~~:

10348 1. ~~((SIC 4581, airports, flying fields, and airport terminal services;~~

10349 2. ~~SIC 4953, refuse systems, (including landfills and garbage transfer stations~~
 10350 ~~operated by a public agency);~~

10351 3. ~~SIC 4952, sewerage systems (including wastewater treatment facilities); and~~

Ordinance

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- 10352 4. ~~SIC 7996, amusement parks; SIC 7948, racing, including track operation; or~~
10353 ~~other commercial establishments or enterprises involving large assemblages of people or~~
10354 ~~automobiles except where excluded by section B above;~~
- 10355 5. ~~SIC 0752, animal boarding and kennel services;~~
- 10356 6. ~~SIC 1721, building painting services;~~
- 10357 7. ~~SIC 3260, pottery and related products manufacturing;~~
- 10358 8. ~~SIC 3599, machine shop services;~~
- 10359 9. ~~SIC 3732,)) Aircraft, ship, and boat building and repairing;~~
- 10360 ((10. ~~SIC 3993, electric and neon sign manufacturing;~~
- 10361 11. ~~SIC 4226, automobile storage services;~~
- 10362 12. ~~SIC 7334, blueprinting and photocopying services;~~
- 10363 13.)) 2. Warehousing and wholesale trade;
- 10364 3. SIC 7534, tire retreading ((and repair services));
- 10365 ((14. ~~SIC 7542, car washes;~~
- 10366 15. ~~SIC 8731, commercial, physical and biological research laboratory services;~~
- 10367 16. ~~SIC 02, interim agricultural crop production and livestock quarters or grazing~~
10368 ~~on properties 5 acres or larger in size;~~
- 10369 17. ~~SIC 0752, public agency animal control facility;~~
- 10370 18. ~~SIC 2230, 2260, textile dyeing;~~
- 10371 19. ~~SIC 2269, 2299, textile and textile goods finishing;~~
- 10372 20. ~~SIC 2700, printing and publishing industries;~~
- 10373 21. ~~SIC 2834, pharmaceuticals manufacturing;~~
- 10374 22. ~~SIC 2844, cosmetics, perfumes and toiletries manufacturing;~~
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Ordinance

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- 10375 ~~23. SIC 2893, printing ink manufacturing;~~
- 10376 ~~24. SIC 3000, rubber products fabrication;~~
- 10377 ~~25. SIC 3111, leather tanning and finishing;~~
- 10378 ~~26. SIC 3400, metal products manufacturing and fabrication;~~
- 10379 ~~27. SIC 3471, metal electroplating;~~
- 10380 ~~28. SIC 3691, 3692, battery rebuilding and manufacturing;~~
- 10381 ~~29. SIC 3711, automobile manufacturing; and~~
- 10382 ~~30. SIC 4600, petroleum pipeline operations))~~ 4. SIC 754, automotive service; and
- 10383 5. SIC 36, electronic and other electric equipment.

10384 SECTION 192. Ordinance 11621, Section 112, as amended, and K.C.C.

10385 21A.43.030 are hereby amended to read as follows:

10386 A. The fee for each district shall be calculated based on the formula set out in
10387 Attachment A to Ordinance 11621.

10388 B. Separate fees shall be calculated for single family and ~~((multi-family))~~
10389 multifamily residential units and separate student generation rates must be determined by
10390 the district for each type of residential unit. For purposes of this chapter, "single family
10391 units" shall mean single detached dwelling units, and ~~((multi-family))~~ "multifamily units"
10392 shall mean duplexes, triplexes, fourplexes, townhouses, and apartments.

10393 C. The fee shall be calculated on a district-by-district basis using the appropriate
10394 factors and data to be supplied by the district, as indicated in Attachment A to Ordinance
10395 11621. The fee calculations shall be made on a district-wide basis to assure maximum
10396 utilization of all school facilities in the district used currently or within the last two years
10397 for instructional purposes.

Ordinance

10398 D. The formula in Attachment A to Ordinance 11621 also provides a credit for
 10399 the anticipated tax contributions that would be made by the development based on
 10400 historical levels of voter support for bond issues in the school district.

10401 E. The formula in Attachment A to Ordinance 11621 also provides for a credit
 10402 for school facilities or sites actually provided by a developer (~~(which)~~) that the school
 10403 district finds to be acceptable.

10404 SECTION 193. Ordinance 11621, Section 114, as amended, and K.C.C.

10405 21A.43.050 are hereby amended to read as follows:

10406 A. In school districts where impact fees have been adopted by county ordinance
 10407 and except as provided in K.C.C. 21A.43.080, the county shall collect impact fees, based
 10408 on the schedules (~~(set forth)~~) in each ordinance establishing the fee to be collected for the
 10409 district, from any applicant seeking development approval from the county where such
 10410 development activity requires final plat(~~(, PUD or UPD)~~) approval or the issuance of a
 10411 residential building permit or a mobile home permit and the fee for the lot or unit has not
 10412 been previously paid. (~~(No a)~~)Approval shall not be granted and (~~(no)~~) a permit shall not
 10413 be issued until the required school impact fees (~~(set forth)~~) in the district's impact fee
 10414 schedule contained in K.C.C. Title 27 have been paid.

10415 B. For a plat(~~(, PUD or UPD)~~) applied for on or after the effective date of the
 10416 ordinance adopting the fee for the district in question receiving final approval, fifty
 10417 percent of the impact fees due on the plat(~~(, PUD or UPD)~~) shall be assessed and
 10418 collected from the applicant at the time of final approval, using the impact fee schedules
 10419 in effect when the plat(~~(, PUD or UPD)~~) was approved. The balance of the assessed fee
 10420 shall be allocated to the dwelling units in the project, and shall be collected when the

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10421 building permits are issued. Residential developments proposed for short plats shall be
10422 governed by subsection D₂ of this section.

10423 C. If₂ on the effective date of an ordinance adopting an impact fee for a district, a
10424 plat(~~(, PUD or UPD)~~) has already received preliminary approval, such plat(~~(, PUD or~~
10425 ~~UPD)~~) shall not be required to pay fifty percent of the impact fees at the time of final
10426 approval, but the impact fees shall be assessed and collected from the lot owner at the
10427 time the building permits are issued, using the impact fee schedules in effect at the time
10428 of building permit application. If₂ on the effective date of a district's ordinance, an
10429 applicant has applied for preliminary plat(~~(, PUD or UPD)~~) approval, but has not yet
10430 received such an approval, the applicant shall follow the procedures (~~(set forth)~~) in
10431 subsection B₂ of this section.

10432 D. For existing lots or lots not covered by subsection B₂ of this section,
10433 application for single family and multifamily residential building permits, mobile home
10434 permits, and site plan approval for mobile home parks, the total amount of the impact
10435 fees shall be assessed and collected from the applicant when the building permit is issued,
10436 using the impact fee schedules in effect at the time of permit application.

10437 E. Any application for preliminary plat(~~(, PUD or UPD)~~) approval or multifamily
10438 zoning (~~(which)~~) that has been approved subject to conditions requiring the payment of
10439 impact fees established (~~(pursuant to)~~) in accordance with this chapter, shall be required
10440 to pay the fee in accordance with the condition of approval.

10441 F. In lieu of impact fee payment (~~(pursuant to)~~) under subsections A. through E.
10442 of this section, each applicant for a single-family residential construction permit may
10443 request deferral of impact fee collection for up to the first twenty single-family residential

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10444 construction building permits per year. Applicants shall be identified by their contractor
 10445 registration numbers. Deferred payment of impact fees shall occur either at the time of
 10446 final permit inspection by the department of local services, permitting division, or
 10447 eighteen months after the building permit is issued, whichever is earlier.

10448 SECTION 194. Ordinance 11621, Section 116, as amended, and K.C.C.

10449 21A.43.070 are hereby amended to read as follows:

10450 A. The following are excluded from the application of the impact fees:

10451 1. Any form of housing exclusively for ~~((the))~~ seniors ~~((citizen))~~, including
 10452 nursing homes and retirement centers, so long as these uses are maintained;

10453 2. Reconstruction, remodeling, or replacement of existing dwelling units
 10454 ~~((which))~~ that does not result in additional new dwelling units. In the case of replacement
 10455 of a dwelling, a complete application for a building permit must be submitted within
 10456 three years after it has been removed or destroyed;

10457 3. Shelters for temporary placement, relocation facilities, transitional housing
 10458 facilities, and ~~((€))~~community ~~((R))~~residential ~~((F))~~facilities as defined in K.C.C.

10459 21A.06.220;

10460 4. Any development activity that is exempt from the payment of an impact fee
 10461 ~~((pursuant to))~~ under RCW 82.02.100, due to mitigation of the same system improvement
 10462 under ~~((the State Environmental Policy Act))~~ SEPA;

10463 5. Any development activity for which school impacts have been mitigated
 10464 ~~((pursuant to))~~ in accordance with a condition of plat~~((, PUD or UPD))~~ approval to pay
 10465 fees, dedicate land or construct or improve school facilities, unless the condition of the
 10466 plat~~((, PUD or UPD))~~ approval provides otherwise; ~~((provided that))~~ but only if the

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10467 condition of the plat(~~(, PUD or UPD)~~) approval predates the effective date of a school
10468 district's fee implementing ordinance;

10469 6. Any development activity for which school impacts have been mitigated
10470 (~~(pursuant to)~~) in accordance with a voluntary agreement entered into with a school
10471 district to pay fees, dedicate land, or construct or improve school facilities, unless the
10472 terms of the voluntary agreement provide otherwise; provided that the agreement
10473 predates the effective date of a school district's fee implementing ordinance;

10474 7. Housing units (~~(which)~~) that fully qualify as housing for persons (~~(age 55)~~)
10475 aged fifty-five and over meeting the requirements of the Federal Housing Amendments
10476 Act of 1988, 42 U.S.C. 3607(b)(2)(c) and (b)(3), as subsequently amended, and (~~(which)~~)
10477 that have recorded covenants or other legal arrangements precluding school-aged children
10478 as residents in those units;

10479 8. Mobile homes permitted as temporary dwellings (~~(pursuant to)~~) in accordance
10480 with K.C.C. 21A.32.170; and

10481 9. Accessory dwelling units as defined in K.C.C. 21A.06.350 and K.C.C.
10482 21A.08.030.B.7.a.

10483 B. Arrangement may be made for later payment with the approval of the school
10484 district only if the district determines that (~~(it)~~) the school district will be unable to use or
10485 will not need the payment until a later time, provided that sufficient security, as defined
10486 by the district, is provided to assure payment. Security shall be made to and held by the
10487 school district, which will be responsible for tracking and documenting the security
10488 interest.

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10489 C. The fee amount established in the schedule shall be reduced by the amount of
10490 any payment previously made for the lot or development activity in question, either as a
10491 condition of approval or ~~((pursuant to))~~ in accordance with a voluntary agreement with a
10492 school district entered into after the effective date of a school district's fee implementing
10493 ordinance.

10494 D. After the effective date of a school district's fee implementing ordinance,
10495 whenever a development is granted approval subject to a condition that the developer
10496 actually provide school sites, school facilities, or improvements to school facilities
10497 acceptable to the district, or whenever the developer has agreed, ~~((pursuant to))~~ in
10498 accordance with the terms of a voluntary agreement with the school district, to provide
10499 land, provide school facilities, or make improvements to existing facilities, the developer
10500 shall be entitled to a credit for the value of the land or actual cost of construction against
10501 the fee that would be chargeable under the formula provided by this chapter. The land
10502 value or cost of construction shall be estimated at the time of approval, but must be
10503 documented. If construction costs are estimated, the documentation shall be confirmed
10504 after the construction is completed to assure that an accurate credit amount is provided.
10505 If the land value or construction costs are less than the calculated fee amount, the
10506 difference remaining shall be chargeable as a school impact fee.

10507 E. Impact fees may be adjusted by the county, at the county's discretion, if one of
10508 the following circumstances exist, ~~((provided that))~~ but only if the discount ~~((set forth))~~
10509 the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the
10510 unfairness of the fee:

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10511 1. The developer demonstrates that an impact fee assessment was incorrectly
10512 calculated; or

10513 2. Unusual circumstances identified by the developer demonstrate that if the
10514 standard impact fee amount was applied to the development, it would be unfair or unjust.

10515 F. A developer may provide studies and data to demonstrate that any particular
10516 factor used by the district may not be appropriately applied to the development proposal,
10517 but the district's data shall be presumed valid unless clearly demonstrated to be otherwise
10518 by the proponent.

10519 G. Any appeal of the decision of the director or the hearing examiner with regard
10520 to imposition of an impact (~~fee~~) fee or other fee amounts shall follow the appeal process
10521 for the underlying permit and not be subject to a separate appeal process. Where no other
10522 administrative appeal process is available, an appeal may be taken to the hearing
10523 examiner using the appeal procedures for variances. Any errors in the formula identified
10524 as a result of an appeal should be referred to the council for possible modification.

10525 H. Impact fees may be paid under protest in order to obtain a building permit or
10526 other approval of development activity, when an appeal is filed.

10527 SECTION 195. Ordinance 10870, Section 623, and K.C.C. 21A.44.020 are
10528 hereby amended to read as follows:

10529 A temporary use permit shall be granted by the county, only if the applicant
10530 demonstrates that:

10531 A. The proposed temporary use will not be materially detrimental to the public
10532 welfare;

Ordinance

- 10533 B. The proposed temporary use is compatible with existing land uses in the
 10534 immediate vicinity in terms of noise and hours of operation;
- 10535 C. The proposed temporary use, if located in a resource zone~~((7))~~;
- 10536 1. ~~((w))~~Will not be materially detrimental to the use of the land for resource
 10537 purposes;
- 10538 2. Is consistent with applicable Comprehensive Plan policies addressing rural
 10539 character, natural resource lands, and compatibility; and
- 10540 3. ~~((w))~~Will provide adequate off-site parking if necessary to protect against soil
 10541 compaction;
- 10542 D. The proposed temporary use, if located in the rural area, is consistent with
 10543 applicable Comprehensive Plan policies addressing rural character and compatibility;
- 10544 E. A proposed temporary use for commercial purposes on a property that has
 10545 open space taxation or Farm and Agricultural Current Use taxation status is consistent
 10546 with those program requirements;
- 10547 F. Adequate public off-street parking and traffic control for the exclusive use of
 10548 the proposed temporary use can be provided in a safe manner; and
- 10549 ~~((E-))~~ G. The proposed temporary use is not otherwise permitted in the zone in
 10550 which it is proposed.
- 10551 NEW SECTION. SECTION 196. There is hereby added to K.C.C. chapter
 10552 21A.44 a new section to read as follows:
- 10553 Developments using a community on-site sewage system or large on-site sewage
 10554 system may be permitted only in the following circumstances in the Rural Area and
 10555 Natural Resource Lands:

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- 10556 A. Existing on-site systems are failing within an area and public health - Seattle
10557 & King County concurs that long-term individual on-site sewage system repairs are not
10558 feasible or water quality is threatened by the presence of or potential health hazards
10559 resulting from inadequate on-site wastewater disposal methods;
- 10560 B. An authorized public agency will manage the system;
- 10561 C. The system is designed only to serve existing structures and lots and cannot be
10562 used as a basis to exceed base density for the zone or applicable special district overlays
10563 or p-suffixes. Substandard vacant lots must be combined to the extent feasible to meet
10564 rural density policies and regulations;
- 10565 D. A system serving residentially developed lots cannot be used to:
- 10566 1. Expand existing permitted nonresidential uses in size or scale;
- 10567 2. Establish new permitted nonresidential uses; or
- 10568 3. Serve commercially zoned properties; and
- 10569 E. For a system serving commercially developed lots:
- 10570 1. The system is used only to serve commercially zoned properties;
- 10571 2. Property-specific development conditions are imposed that establish a range
10572 of allowed uses that can be adequately served by the system at the time of its
10573 construction; and
- 10574 3. The allowed uses are not more expansive than those allowed in the
10575 underlying zone.
- 10576 SECTION 197. Sections 198 through 200 of this ordinance should constitute a
10577 new chapter in K.C.C. Title 21A.
- 10578 NEW SECTION. SECTION 198. There is hereby added to the chapter

Ordinance

10579 established in section 197 of this ordinance a new section to read as follows:

10580 The purpose of this chapter is to provide standards for emergency housing options
10581 and to address the potential impacts to neighborhoods.

10582 NEW SECTION. SECTION 199. There is hereby added to the chapter
10583 established in section 197 of this ordinance a new section to read as follows:

10584 A. In addition to contents otherwise required for applications in the code,
10585 including but not limited to K.C.C. 20.20.040, the application for emergency housing
10586 shall include:

- 10587 1. A description of the staffing and operational characteristics, including
10588 confirmation of sanitation and basic safety measures required for the facility;
- 10589 2. Occupancy policies, including a description of the population to be served
10590 and a code of conduct that includes, at a minimum, a prohibition of threatening or unsafe
10591 behavior;
- 10592 3. A plan for managing the exterior appearance of the site, including keeping the
10593 site litter free;
- 10594 4. A phone number, email, and point of contact at the site of the facility for the
10595 community to report concerns. A plan for addressing reported concerns and making this
10596 information publicly available;
- 10597 5. A plan for outreach with surrounding property owners and residents
10598 addressing items such as noise, smoking areas, parking, security procedures, and litter;
10599 and
- 10600 6. A site plan and narrative documenting compliance with all applicable codes,
10601 including:

- 10602 a. a sketch of the building or buildings to be occupied;
- 10603 b. a floor plan that describes the capacities of the buildings for the uses
- 10604 intended, room dimensions, and a designation of the rooms to be used for nonambulatory
- 10605 residents, if any; and
- 10606 c. a sketch of the grounds showing buildings, driveways, fences, storage areas,
- 10607 pools, gardens, and recreation areas, including all spaces used by the residents.
- 10608 B. When in conflict with other sections of this title, the criteria in this chapter
- 10609 supersede.
- 10610 NEW SECTION. SECTION 200. There is hereby added to the chapter
- 10611 established in section 197 of this ordinance a new section to read as follows:
- 10612 Safe parking is subject to the following criteria:
- 10613 A. When safe parking is located on a site with an established primary use, the
- 10614 director may reduce the minimum number of on-site parking spaces required in K.C.C.
- 10615 chapter 21A.18 for the primary use in order to use those spaces for safe parking, based on
- 10616 a parking study prepared by a professional engineer with expertise in traffic and parking
- 10617 analyses, or an equally qualified individual as authorized by the director;
- 10618 B. A safe parking site that allows vehicles that do not have restroom facilities
- 10619 must provide restroom and potable water access within the buildings on the property or
- 10620 portable facilities and handwashing stations; and
- 10621 C. If recreational vehicles are hosted at the safe parking site, provision must be
- 10622 made for potable water and for proper disposal of grey water and black water waste from
- 10623 the vehicles.

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10624 SECTION 201. Ordinance 3269, Section 2, and K.C.C. 24.08.010 are hereby
10625 amended to read as follows:

10626 (~~For the purpose of this title, the following terms have the meanings ascribed to~~
10627 ~~them in this chapter.~~) The definitions in K.C.C. chapter 21A.06 and the definitions in
10628 this chapter apply to this title. Where definitions in this chapter differ from the
10629 definitions in K.C.C. chapter 21A.06, the definitions in this chapter shall control.

10630 NEW SECTION. SECTION 202. There is hereby added to K.C.C. chapter 24.08 a
10631 new section to read as follows:

10632 Rotating shelter: an emergency shelter where the hosting organizations host
10633 shelter operations for a brief time, rotating the shelter operations between its participating
10634 host locations.

10635 SECTION 203. Sections 204 through 209 of this ordinance should constitute a
10636 new chapter in K.C.C. Title 24.

10637 NEW SECTION. SECTION 204. There is hereby added to the chapter
10638 established in section 203 of this ordinance a new section to read as follows:

10639 The purpose of this chapter is to provide standards for emergency housing options
10640 and to address the potential impacts to neighborhoods.

10641 NEW SECTION. SECTION 205. There is hereby added to the chapter
10642 established in section 203 of this ordinance a new section to read as follows:

10643 Recuperative housing is subject to the following criteria:

10644 A. Prospective residents shall be referred to the facility by off-site providers of
10645 housing and services for people experiencing homelessness;

10646 B. Recuperative housing facilities shall be staffed and in operation twenty-four

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10647 hours per day;

10648 C. Specific rooms or units shall be assigned to specific residents for the duration of
10649 their stay;

10650 D. On-site services such as laundry, hygiene, meals, case management, and social
10651 programs are limited to residents;

10652 E. All vehicles on-site shall be licensed and in operational condition; and

10653 F. A lease agreement for residents is allowed but not required.

10654 NEW SECTION. SECTION 206. There is hereby added to the chapter
10655 established in section 203 of this ordinance a new section to read as follows:

10656 A. Emergency shelters that operate twenty-four hours per day, seven days per week,
10657 are subject to the following criteria:

10658 1. Facilities shall be staffed twenty-four hours per day; and

10659 2. Beds or rooms shall be assigned to specific residents for the duration of their
10660 stay;

10661 B. Permanent emergency shelters that operate only overnight and rotating shelters
10662 shall provide on-site supervision while in operation; and

10663 C. A lease agreement for residents is allowed but not required.

10664 NEW SECTION. SECTION 207. There is hereby added to the chapter
10665 established in section 203 of this ordinance a new section to read as follows:

10666 Emergency supportive housing and interim housing are subject to the following
10667 criteria:

10668 A. Facilities shall be staffed and in operation twenty-four hours per day;

10669 B. Specific rooms or units shall be assigned to specific residents for the duration of

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10670 their stay;

10671 C. On-site services such as laundry, hygiene, meals, case management, and social
10672 programs shall be limited to residents;

10673 D. All vehicles on-site shall be licensed and in operational condition; and

10674 E. A lease agreement for residents is allowed but not required.

10675 NEW SECTION. SECTION 208. There is hereby added to the chapter
10676 established in section 203 of this ordinance a new section to read as follows:

10677 Microshelter villages are subject to the following criteria:

10678 A. On-site services such as laundry, hygiene, meals, case management, and social
10679 programs shall be limited to residents;

10680 B. Supervision shall be provided by on-site staff at all times, unless it can be
10681 demonstrated that this level of supervision is not warranted for the population being housed;

10682 C. The organization managing and operating the facility shall provide sanitation and
10683 basic safety measures;

10684 D. All vehicles on-site shall be licensed and in operational condition; and

10685 E. A lease agreement for residents is allowed but not required

10686 NEW SECTION. SECTION 209. There is hereby added to the chapter
10687 established in section 203 of this ordinance a new section to read as follows:

10688 Safe parking sites are allowed subject to the following criteria:

10689 A. A six-foot clearance shall be provided around each recreational vehicle;

10690 B. All vehicles on-site shall be:

10691 1. Licensed and in operable condition; and

10692 2. Parked with the designated parking area;

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- 10693 C. All personal property shall be stored inside the vehicles;
- 10694 D. All propane tanks shall be securely fastened to a recreational vehicle's propane
10695 tank mounting bracket;
- 10696 E. The following are prohibited:
- 10697 1. Tents, tarps, and other temporary structures, such as lean-tos;
- 10698 2. Vehicles that leak the following:
- 10699 a. domestic sewage or other waste fluids or solids; or
- 10700 b. gasoline, transmission or radiator fluid, engine oil, or other similar fluids,
10701 excluding potable water;
- 10702 3. Fires; and
- 10703 4. Audio, video, generator, or other amplified sound that is audible outside the
10704 vehicles; and
- 10705 F. The organization managing or operating the safe parking site shall comply and
10706 enforce compliance of applicable state statutes and regulations and local ordinances
10707 concerning, but not limited to, drinking water connections, solid waste disposal, human
10708 waste, outdoor fire burning, and electrical systems.
- 10709 SECTION 210. Ordinance 19555, Section 22, and K.C.C. 21A.48.010 are hereby
10710 amended to read as follows:
- 10711 A. The purpose of the inclusionary housing regulations is to provide for the creation
10712 of new affordable dwelling units, particularly in areas where there is a high risk for
10713 displacement.

Ordinance

- 10714 B. The regulations and incentives in this chapter shall apply only to the ((Skyway-
 10715 West Hill and North Highline community service area subarea geographies, as follows))
 10716 following geographies:
- 10717 1. The standards in K.C.C. 21A.48.020 shall apply to areas with an unincorporated
 10718 activity center land use designation;
 - 10719 2. The voluntary incentives in K.C.C. 21A.48.030 shall apply to:
 - 10720 a. areas in the Skyway-West Hill and North Highline community service area
 10721 subarea geographies that do not have an unincorporated activity center land use designation;
 10722 and
 - 10723 b. except as provided for in subsection B.1. and B.2. of this section, sites that are
 10724 served by public sewers and that are in the following zones in the urban area or rural towns:
 - 10725 (1) the R-4 through R-48 zones; and
 - 10726 (2) the NB, CB, RB, and O zones when part of a mixed-use development; and
 - 10727 3. The standards in K.C.C. 21A.48.040, K.C.C. 21A.48.050, K.C.C. 21A.48.060,
 10728 K.C.C. 21A.48.070, K.C.C. 21A.48.080, and K.C.C. 21A.48.090 shall apply to any
 10729 inclusionary housing project.
- 10730 C. Development or substantial improvement of one dwelling unit, an accessory
 10731 dwelling unit, mobile home parks, cottage housing, or senior ((~~citizen~~)) assisted housing
 10732 shall not be subject to this chapter. Accessory dwelling units shall not be used to meet the
 10733 requirements of this section.
- 10734 SECTION 211. Ordinance 19555, Section 24, and K.C.C. 21A.48.030 are hereby
 10735 amended to read as follows:
- 10736 A. This section shall apply:

Ordinance

10737 1. ~~((w))~~ Within the Skyway-West Hill and North Highline community service area
 10738 subarea geographies except for areas with an unincorporated activity center land use
 10739 designation; and

10740 2. Except as provided for in subsection A.1. of this section and K.C.C.
 10741 21A.48.010, on sites that are served by public sewers and that are in the following zones in
 10742 the urban area or rural towns:

- 10743 a. the R-4 through R-48 zones; and
- 10744 b. the NB, CB, RB, and O zones when part of a mixed-use development.

10745 B.1. New or substantially improved development may only exceed the base density
 10746 allowed in the zoning classification in accordance with the standards listed ~~((below))~~ in the
 10747 table in subsection B.2 of this section. Additional density is authorized with the use of
 10748 transfers of development rights in accordance with K.C.C. chapter 21A.37, as shown in the
 10749 table in this subsection. Additional units derived from TDRs shall conform with the
 10750 percentages at the affordability levels listed in the table in this section. The price of the
 10751 TDR shall be determined in accordance with K.C.C. 21A.37.130.

10752 2. Affordability requirements.

Affordability Requirements			TDR Allowance
Occupancy Type and AMI	Minimum	Maximum	Additional Maximum Density Allowed with purchase of TDRs
	Percentage of Total Units Required to be Affordable	Density (as percentage of base density)	

Ordinance

Developments with 9 or fewer units	0%	100%	Up to 150% base density
Rental at 60% AMI	100%	200%	None
	20%	150%	Additional 50%, up to 200% of base density
	10%	125%	Additional 50%, up to 175% of base density
Rental at 50% AMI	100%	200%	None
	15%	150%	Additional 50%, up to 200% of base density
	7%	125%	Additional 50%, up to 175% of base density
Owner Occupied at 80% AMI	100%	200%	None
	30%	150%	Additional 50%, up to 200% of base density
	15%	125%	Additional 50%, up to 175% of base density
Any combination of 80% AMI (Owner) and 60% AMI (Rental)	100%	200%	None
	25%	150%	Additional 50%, up to 200% of base density
	12%	125%	Additional 50%, up to 175% of base density

10753

C. In Vashon Rural Town:

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10754 1. Only developments that provide one hundred percent affordable housing are
10755 eligible; and

10756 2. Use of the TDR allowance is prohibited.

10757 SECTION 212. Ordinance 19555, Section 25, and K.C.C. 21A.48.040 are hereby
10758 amended to read as follows:

10759 A. The number of required affordable dwelling units shall be calculated by
10760 multiplying the total number of dwelling units to be constructed by the applicable
10761 percentages of affordable dwelling units as established in K.C.C. 21A.48.020 or K.C.C.
10762 21A.48.030, and for purposes of providing an affordable dwelling unit, fractions shall be
10763 rounded in accordance with K.C.C. 21A.12.070, except as follows:

10764 1. For fractions below 0.50, the applicant shall pay a fee based on the fraction
10765 multiplied by the value of a single affordable dwelling unit. The fee and affordable dwelling
10766 unit value shall be calculated using the same method as required for payment in lieu of
10767 providing affordable dwelling units in K.C.C. 21A.48.080. The revenues generated from
10768 the fee shall be dedicated to affordable housing projects in the same community service area
10769 subarea geography where the development is occurring; and

10770 2. Affordable dwelling units in the development shall be calculated as follows:

10771 a. Studio dwelling units shall be counted as one-half of one affordable dwelling
10772 unit;

10773 b. One-bedroom and two-bedroom dwelling units shall be counted as one
10774 affordable dwelling unit;

10775 c. Three-bedroom dwelling units shall be counted as one and one-half affordable
10776 dwelling units; and

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10777 d. Dwelling units with four or more bedrooms shall be counted as two affordable
10778 dwelling units.

10779 B. Base density is as established in K.C.C. chapter 21A.12 or in in property-specific
10780 development conditions or special district overlays, where applicable. In cases of conflict,
10781 the base density in the property-specific development condition or special district overlay
10782 shall apply.

10783 C. The total number of market-rate dwelling units and affordable dwelling units
10784 shall not exceed the total allowed density as established in this chapter and K.C.C. chapter
10785 21A.12 or as established in property-specific development conditions or special district
10786 overlays, where applicable. In cases of conflict, the maximum density in the property-
10787 specific development condition or special district overlay shall apply.

10788 SECTION 213. Ordinance 19555, Section 26, and K.C.C. 21A.48.050 are hereby
10789 amended to read as follows:

10790 For developments subject to this chapter:

10791 A. The affordable dwelling units shall:

10792 1. Have a similar or larger unit size and bedroom composition as the market-rate
10793 dwelling units in the development;

10794 2. Be integrated throughout the development;

10795 3. Be constructed with materials and finishes of comparable quality to the market-
10796 rate dwelling units in the development;

10797 4. Meet accessibility standards at the same ratio as required by the development;

10798 and

10799 5. Have access equal to that of the market-rate dwelling units to on-site amenities

Ordinance

10800 including, but not limited to, parks, outdoor play areas, pools, exercise facilities and
 10801 equipment, gathering spaces, bicycle repair facilities, shared work spaces, and similar on-
 10802 site amenities.

10803 B. All the dimensional standards of K.C.C. chapter 21A.12 and any applicable
 10804 property-specific development standards and special district overlays apply, except as
 10805 specifically prescribed by this chapter. The following modifications shall only be utilized
 10806 for developments that provide housing in conformance with K.C.C. 21A.48.020 or K.C.C.
 10807 21A.48.030:

10808 1. The maximum height limits are as follows:

10809 a. In the R-18, R-24, and R-48 zones, eighty feet;

10810 b. In the NB zone, sixty-five feet;

10811 c. In the CB zone, eighty feet;

10812 d. In the RB and O zones, eighty-five feet; ~~((and))~~

10813 e. For properties subject to P-Suffix ~~((NH-PXX (the p-suffix established in Map
 10814 Amendment 17 of Attachment D to Ordinance 19555)))~~ NH-P04: the height limits set in the
 10815 P-Suffix;

10816 f. In the CB zone in Snoqualmie Pass Rural Town, sixty-five feet; and

10817 g. In Vashon Rural Town, thirty-five feet;

10818 2. In the R-18, R-24, and R-48 zones, any portion of a building that exceeds the
 10819 base height for the zone ~~((set forth))~~ in K.C.C. chapter 21A.12 shall be set back an
 10820 additional ten feet from the street property line and interior property line;

10821 3. In the NB, CB, RB, and O zones, any portion of a building that exceeds the
 10822 maximum height allowed for the zone by K.C.C. 21A.12.040.B.6. shall be set back an

10823 additional ten feet from the street property line and interior property line;

10824 4. The percentages of residential uses in mixed use developments in K.C.C.

10825 21A.14.110 do not apply. The percentages are as follows:

10826 a. a maximum of seventy-five percent of the total built floor area when located in

10827 NB zones; and

10828 b. a maximum of eighty-five percent of the total built floor area when located in

10829 CB, RB₂ and O zones;

10830 5. The building floor area ratios in K.C.C. 21A.14.130 do not apply.

10831 Developments subject to this chapter shall not have a floor area ratio maximum; and

10832 6. The parking and circulation standards of K.C.C. chapter 21A.18 apply, except:

10833 a. The minimum required parking spaces for apartments and townhouses shall be

10834 one space per dwelling unit;

10835 b. The minimum required parking spaces for nonresidential uses of the project

10836 shall be the minimum required in K.C.C. 21A.18.020, or the minimum required in any

10837 applicable property-specific development standard or special district overlay, whichever is

10838 less; and

10839 c. The director may authorize a reduction of up to fifty percent of the minimum

10840 required number of spaces for inclusionary housing projects without a required a parking

10841 study. The director shall consider proximity to transit, bedroom composition, availability of

10842 on-street parking, and proposed nonresidential uses when determining the size of the

10843 reduction.

10844 SECTION 214. Ordinance 19555, Section 27, and K.C.C. 21A.48.060 are hereby

10845 amended to read as follows:

Ordinance

10846 A. As a condition of development permit issuance, the department shall approve the
10847 calculation of the number of required affordable dwelling units and allowed market-rate
10848 dwelling units.

10849 B. Before issuance of the certificate of occupancy, the applicant shall record a
10850 covenant or deed restriction on the property, in a form and substance acceptable to the
10851 prosecuting attorney's office and department of community of human services, reflecting the
10852 following:

10853 1. A statement that the length of the term of the affordability shall be for the life of
10854 the development project for renter-occupied dwelling units or fifty years from the date of
10855 initial occupancy for owner-occupied dwelling units;

10856 2. The total number of units;

10857 3. The number of market-rate dwelling units;

10858 4. The number and affordability of owner-occupied and rental affordable dwelling
10859 units based on the standards of this chapter;

10860 5. A statement that for any owner-occupied dwelling units, the covenants or
10861 declarations have been reviewed by the director and the terms ensure that the purposes of
10862 this chapter are accomplished;

10863 6. Reporting requirements as required by the department of community and human
10864 services, including subsequent community preference and affirmative marketing reports
10865 after the certificate of occupancy is issued, where applicable under K.C.C. 21A.48.070; and

10866 7. Signatures of the property owner and the director.

10867 SECTION 215. Ordinance 19555, Section 28, and K.C.C. 21A.48.070 are hereby
10868 amended to read as follows:

10869 For developments in the Skyway-West Hill and North Highline community service
10870 area subarea geographies subject to this chapter:

10871 A. As part of a complete permit application, the applicant shall submit a community
10872 preference and affirmative marketing plan. The plan shall include:

10873 1. A tenant selection process for the affordable dwelling units that provides a
10874 preference for housing applicants with a current or past connection to the respective subarea
10875 geography where the project is located. The plan should provide no more than and aim to
10876 provide forty percent of the affordable dwelling units to tenants that meet the requirements
10877 for community preference;

10878 2. An advertising and outreach plan designed to provide information to and attract
10879 potential housing applicants who would otherwise be less likely to apply, without regard to
10880 protected class status as established by federal, state and local laws. An affirmative
10881 advertising and outreach plan should generally help potential housing applicants know about
10882 vacancies, feel welcome to apply, and have the opportunity to rent units; and

10883 3. A process for housing applicants to file an appeal regarding the tenant selection
10884 process and verification of eligibility for preference.

10885 B. Before issuance of the building permit or subdivision approval, the community
10886 preference and affirmative marketing plan shall be reviewed and approved by the
10887 department of community and human services.

10888 C.1. At least sixty days before issuance of certificate of occupancy, the applicant
10889 shall submit a community preference and affirmative marketing initial report. The initial
10890 report shall include:

Ordinance

10891 a. information describing the activities conducted to implement the community
10892 preference and affirmative marketing plan; and

10893 b. information regarding the number of housing applicants:

10894 (1) that requested a preference;

10895 (2) deemed eligible under the preference criteria;

10896 (3) eligible for the preference that were selected for housing; and

10897 (4) that appealed the preference selection process and the outcome of each
10898 appeal.

10899 2. Before issuance of the certificate of occupancy, the community preference and
10900 affirmative marketing initial report shall be subject to review and approval by the
10901 department of community and human services.

10902 D. The department of community and human services shall provide guidance and
10903 technical assistance to the applicant to ensure the community preference and affirmative
10904 marketing plan and community preference and affirmative marketing report complies with
10905 federal, state, and local laws and regulations.

10906 SECTION 216. Ordinance 19555, Section 29, and K.C.C. 21A.48.080 are hereby
10907 amended to read as follows:

10908 A. The director may, at their discretion, approve a request for alternative
10909 compliance for the inclusionary housing requirements. Requests for such modifications
10910 shall clearly ~~((set forth))~~ state the facts upon which the request for relief is sought.

10911 Alternative compliance may include:

10912 1. Providing affordable housing units off-site at another location within the same
10913 community service area subarea geography where the project is proposed;

Ordinance

10914 2. For developments subject to 21A.48.020, ((P))payment to the county in lieu of
10915 constructing affordable housing units to be used to create affordable housing units within the
10916 same community services area subarea geography; or

10917 3. Such other means proposed by the applicant and approved at the discretion of
10918 the director, consistent with the following criteria for alternative compliance.

10919 B. Alternative compliance requests may only be approved when all of the following
10920 requirements are met:

10921 1. The applicant demonstrates that the proposed alternative compliance method
10922 provides the same number and quality affordable housing units as those provided on site;

10923 2. The affordable housing units provided through the alternative compliance
10924 method will provide the same mix of rental or owner-occupied units as would have
10925 otherwise been provided on site; and

10926 3. In no case shall the director approve an alternative compliance request that
10927 results in zero affordable housing units being constructed on-site.

10928 C. If an alternative compliance request is approved that includes off-site affordable
10929 housing units, any building permits required for off-site affordable housing units shall be
10930 submitted before issuance of building permits or final subdivision approval for the subject
10931 property. Certificates of occupancy for off-site affordable housing units shall be issued
10932 before issuance of the final certificate of occupancy for the subject property.

10933 D. If an alternative compliance request is approved that includes payment in lieu of
10934 constructing affordable housing units, the formula for payments shall be established by
10935 department of community and human services through a public rule under K.C.C. chapter
10936 2.98. The formula should be based on the cost to the county to construct and maintain an

10937 affordable dwelling unit. The payment obligation shall be paid before issuance of any
10938 building permits or final subdivision approval for the project.

10939 E. As part of the application review process for an inclusionary housing proposal,
10940 the director may authorize modifications to the dimensional standards in K.C.C. Title 21A.
10941 Approval of modifications may only be granted if the applicant demonstrates that the subject
10942 property cannot otherwise reasonably achieve the minimum density.

10943 F.1. As part of the application review process for an inclusionary housing proposal,
10944 the director may modify or waive the requirements for affordable dwelling units under this
10945 chapter if the applicant demonstrates that the cost of complying with this chapter would
10946 deprive the property owner of all economically beneficial use of the property or would
10947 create severe economic impact that unduly burdens the property owner.

10948 2. Requests for such modifications shall clearly (~~set forth~~) state the facts upon
10949 which the request for relief is sought.

10950 3. Review of a modification or waiver of the requirements of this subsection F.
10951 may include the director considering the following factors, at a minimum:

10952 a. The severity of the economic impact caused by the application of the
10953 requirements of this chapter;

10954 b. A modification under subsection E. of this section is not sufficient to alleviate
10955 the severity of economic impact caused by the application of the requirements of this
10956 chapter;

10957 c. The extent to which alternative uses of the property or configurations of the
10958 proposed development would alleviate the need for the requested waiver or modification;

Ordinance

10959 d. The extent to which any economic impact was due to decisions by the
 10960 applicant or property owner; and

10961 e. Other factors relevant to whether the burden should be borne by the property
 10962 owner.

10963 4. The waiver or modification may be approved only to the extent necessary to
 10964 grant relief from the deprivation of all economically beneficial use of the property or severe
 10965 economic impact.

10966 5. The following factors, on their own, shall not be a sufficient basis for the
 10967 director to grant a waiver or modification for the requirements of this chapter:

10968 a. decrease in property value;

10969 b. inability for a property owner to fully utilize the increase in residential
 10970 development capacity through implementation of this chapter; or

10971 c. the fact that any such increase in residential development capacity, combined
 10972 with the requirements of this chapter, did not leave the property owner in a better financial
 10973 position than would have been the case with no increase in residential development capacity
 10974 and no application of the requirements of this chapter.

10975 SECTION 217. Ordinance 13332, Section 34, as amended, and K.C.C. 27.10.190
 10976 are hereby amended to read as follows:

10977 Preliminary subdivision, short subdivision, (~~urban planned development~~),² or
 10978 binding site plan applications shall be charged fees for planning, fire flow and access, site
 10979 engineering, critical area, survey,² and state Environmental Policy Act review as follows:

10980	A.	Short plat - urban 2 to 4 lots, simple	\$22,944.00
10981	B.	Short plat - urban 2 to 4 lots, complex	\$26,925.00

Ordinance

10982	C.	Short plat - urban 5 to 9 lots	\$34,036.00
10983	D.	Short plat - rural	\$26,925.00
10984	E.	Subdivision((, urban planned development,)) or binding site plan -	
10985		base fee	\$42,174.00
10986	F.	Subdivision - additional fee per lot	\$142.00
10987	G.	Minor plan revisions before or after preliminary approval	
10988	1.	Short plat	\$2,417.00
10989	2.	Subdivision((, urban planned development,)) or binding site plan	\$6,186.00
10990	H.	Extension of plat approval	\$284.00
10991	<u>SECTION 218.</u> Ordinance 13332, Section 35, as amended, and K.C.C. 27.10.200		
10992	are hereby amended to read as follows:		
10993	Final subdivision, short subdivision, ((urban planned development,)) binding site		
10994	plan, subdivisional legal description, or title review, approval, and resubmittal shall be		
10995	charged fees as follows:		
10996	A.	Final plan review and approval	
10997	1.	Short plat - urban 2 to 4 lots, simple	\$7,223.00
10998	2.	Short plat - urban 2 to 4 lots, complex	\$10,068.00
10999	3.	Short plat - urban 5 to 9 lots	\$15,471.00
11000	4.	Short plat - rural	\$10,068.00
11001	5.	Subdivision((,)) <u>or</u> binding site plan((, or urban planned	
11002		development))	\$15,471.00
11003	B.	Final plan resubmittal	
11004	1.	Short plat - urban 2 to 4 lots, simple	\$996.00

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11005	2.	Short plat - urban 2 to 4 lots, complex	\$1,421.00
11006	3.	Short plat - urban 5 to 9 lots	\$2,845.00
11007	4.	Short plat - rural	\$1,421.00
11008	5.	Subdivision((;)) <u>or</u> binding site plan((; or urban planned development))	\$2,845.00
11009	C.	Alteration after recordation	
11010	1.	Short plat - urban 2 to 4 lots, simple	\$4,835.00
11011	2.	Short plat - urban 2 to 4 lots, complex	\$6,825.00
11012	3.	Short plat - urban 5 to 9 lots	\$10,380.00
11013	4.	Short plat - rural	\$6,825.00
11014	5.	Subdivision((;)) <u>or</u> binding site plan ((; or urban planned	
11015		development))	\$12,372.00
11016	D.	Subdivisional legal description review	
11017	1.	1-50 lots - base fee	\$700.00
11018	2.	1-50 lots - per lot	\$168.00
11019	3.	51-100 lots - base fee	\$9,100.00
11020	4.	51-100 lots - per lot	\$68.00
11021	5.	More than 100 lots - base fee	\$12,500.00
11022	6.	More than 100 lots - per lot	\$16.00
11023	7.	Name change	\$517.00

11024 SECTION 219. Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010 are

11025 hereby amended to read as follows:

11026 The definitions in this section apply throughout this chapter unless the context

11027 clearly requires otherwise.

Ordinance

11028 A. "Alternative green building rating system" means a third-party green building
11029 certification other than LEED or the King County Sustainable Infrastructure Scorecard. The
11030 following are accepted alternative green building rating systems, but the executive may also
11031 accept certification through other rating systems as appropriate:

11032 1. Built Green Four-Star, Built Green Five-Star, or Built Green Emerald Star, or
11033 any combination thereof;

11034 2. Envision;

11035 3. Evergreen Sustainable Development Standard;

11036 4. Fitwel;

11037 5. Greenroads;

11038 6. Living Building Challenge;

11039 7. Passive House;

11040 8. Salmon Safe;

11041 9. SITES; and

11042 10. WELL.

11043 B. "Built Green Four-Star," "Built Green Five-Star," and "Built Green Emerald
11044 Star" mean a third-party residential green building certification, developed, and administered
11045 by the Master Builders Association of King and Snohomish Counties.

11046 C. "Capital project" means capital project as defined in K.C.C. 4A.10.100.

11047 D. "Energy Star" means the energy certification rating system developed by the
11048 United States Environmental Protection Agency that focuses on energy efficiency.

11049 E. "Envision" means a voluntary sustainable infrastructure rating system
11050 administered by the Institute for Sustainable Infrastructure and developed by the Harvard

Ordinance

11051 University Graduate School of Design, American Public Works Association, American
11052 Society of Civil Engineers, and the American Council of Engineering Companies for
11053 assessing sustainability and resilience in infrastructure.

11054 F. "Equity" means equity as defined in K.C.C. 2.10.210.

11055 G. "Equity and social justice credits" means credits awarded through the Sustainable
11056 Infrastructure Scorecard for actions that identify and account for equity and social justice
11057 practices and outcomes throughout the capital project development lifecycle. The credits
11058 recognize project team efforts to advance process, distributional and cross-generational
11059 equity.

11060 H. "Evergreen Sustainable Development Standard" means a sustainable building
11061 program for affordable housing projects that receive housing trust funds, administered by
11062 the Washington state Department of Commerce according to RCW 39.35D.080.

11063 I. "Facility" means all or any portion of buildings, structures, infrastructure, sites,
11064 complexes, equipment, utilities, and conveyance lines.

11065 J. "Fitwel" means a third-party green building rating system administered by the
11066 Center for Active Design that provides a standard that supports health-promoting strategies
11067 in the built environment.

11068 K. "Green building team" means a group that includes representatives from county
11069 agencies with capital project or building management staff including, but not limited to, the
11070 Metro transit department, the department of natural resources and parks, the department of
11071 executive services, the department of local services, permitting and road services divisions,
11072 the department of public health, the historic preservation program, and the department of
11073 community and human services. The members represent staff with expertise in project

Ordinance

11074 management, construction management, architecture, landscape architecture, environmental
11075 planning, design, engineering, historic preservation and resource conservation, public health,
11076 building energy systems, building management, budget analysis, equity and social justice,
11077 procurement, and other skills as needed. The green building team provides assistance and
11078 helps to disseminate information to project managers in all county agencies.

11079 L. "Greenroads" means the third-party green building rating system administered by
11080 the Greenroads International nonprofit organization to measure and manage sustainability
11081 on transportation projects.

11082 M. "GreenTools program" means the support team located within the solid waste
11083 division of the department of natural resources and parks that provides green building
11084 technical assistance to county divisions, cities, and the general public within the county.

11085 N. "Integrative process" means an approach to project design that seeks to achieve
11086 high performance on a wide variety of well-defined environmental and social goals while
11087 staying within budgetary and scheduling constraints. It relies on a multidisciplinary and
11088 collaborative team whose members make decisions together based on a shared vision and a
11089 holistic understanding of the project. It is an iterative process that follows the design
11090 through the entire project life, from predesign through operation.

11091 O. "Leadership in Energy and Environmental Design" or "LEED" means a
11092 voluntary, consensus-based national standard for developing high-performance, sustainable
11093 buildings, created by the United States Green Building Council.

11094 P. "LEED-eligible building" means any new construction or major remodel or
11095 renovation capital project with one thousand gross square feet or more of new, remodeled,
11096 or renovated floor area that is occupied or conditioned and that meets the minimum program

Ordinance

11097 requirements for LEED certifications.

11098 Q. "Living Building Challenge" means a voluntary green building rating system
11099 administered by the International Living Future Institute. The certification options are Full
11100 Living, Petal, CORE, Zero Energy₂ and Zero Carbon.

11101 R. "Major remodel or renovation" means work that demolishes space down to the
11102 shell structure and rebuilds it with new interior walls, ceilings, floor coverings₂ and systems,
11103 when the work affects more than twenty-five percent of a building's square footage and the
11104 affected space is one thousand square feet or larger.

11105 S. "Minor remodel or renovation" means any type of remodel or renovation that
11106 does not qualify as a major remodel or renovation.

11107 T. "New construction" means a new building or structure.

11108 U. "Passive House" means a voluntary passive building energy standard
11109 certification program through either the PHIUS+ certification administered by Passive
11110 House Institute United States or the Passive House certification administered by Passive
11111 House Institute.

11112 V. "Regional code collaboration" means interested jurisdictions across the Puget
11113 Sound region working together to develop building, energy, fire, residential, plumbing,
11114 mechanical₂ and zoning codes supporting the advancement of green building practices.

11115 W. "Retrocommissioning" means a detailed, systematic process for investigating an
11116 existing building's operations and identifying ways to improve performance. The primary
11117 focus is to identify operational improvements to obtain comfort and energy savings.

11118 X. "Salmon Safe" means a voluntary peer-reviewed certification program, linking
11119 site development land management practices with the protection of agricultural and urban

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11120 watersheds, founded by the Stewardship Partners.

11121 Y. "SITES" means a voluntary sustainability-focused framework program
 11122 administered by the Sustainable SITES Initiative and developed by the American Society of
 11123 Landscape Architects, the Lady Bird Johnson Wildflower Center, and the United States
 11124 Botanical Garden.

11125 Z. "Social cost of carbon" means social cost of carbon as defined in K.C.C.
 11126 18.20.015.

11127 AA. "Social justice" means social justice as defined in K.C.C. 2.10.210.

11128 ~~((AA.))~~ BB. "Strategic Climate Action Plan" means the King County Strategic
 11129 Climate Action Plan adopted by Motion 15866, or any subsequent Strategic Climate Action
 11130 Plan developed under K.C.C. chapter 18.25 and adopted by the council.

11131 ~~((BB.))~~ CC. "Sustainable development practices" are also known as green building
 11132 and means whole system approaches to the design, construction and operation of buildings
 11133 and infrastructure that help to mitigate the negative environmental, economic, health, and
 11134 social impacts of construction, demolition, operation, and renovation while maximizing the
 11135 facilities' positive fiscal, environmental, health, and functional contribution. Sustainable
 11136 development practices recognize the relationship between natural and built environments
 11137 and seek to minimize the use of energy, water, and other natural resources while providing
 11138 maximum benefits and contribution to service levels to the system and the connecting
 11139 infrastructures.

11140 ~~((CC.))~~ DD. "Sustainable Infrastructure Scorecard" means a green building and
 11141 sustainable development rating system developed by the green building team for capital
 11142 projects that are not eligible for the LEED rating system.

11143 ~~((DD.))~~ EE. "Transit-oriented development" means a capital project on King
11144 County-owned property that includes the development of housing, commercial space,
11145 services, or job opportunities in direct proximity to frequent public transportation and that is
11146 wholly or partially planned or wholly or partially financed by the Metro transit department.

11147 ~~((EE.))~~ FF. "WELL" means a third-party green building rating system administered
11148 by the International WELL Building Institute's collaboration with Green Business
11149 Certification, Inc.

11150 SECTION 220. Ordinance 19402, Section 8, and K.C.C. 18.17.050 are hereby
11151 amended to read as follows:

11152 A. Capital projects shall be subject to the following applicable green building
11153 standards and corresponding requirements; capital projects shall register with the applicable
11154 third-party rating system and achieve the appropriate certification. Small, related capital
11155 projects that are part of a program may be certified as a program rather than at the
11156 individual-project level:

11157 1. Affordable housing capital projects subject to RCW 39.35D.080 that receive
11158 moneys from the King County Department of Community and Human Services or that are
11159 part of transit-oriented development shall achieve either Evergreen Sustainable
11160 Development Standard requirements or an applicable alternative green building rating
11161 system certification, or both;

11162 2. Buildings owned or lease-to-own by King County, excluding those to which
11163 subsection A.1. of this section applies, shall achieve certification levels as follows:

11164 a. New construction of a LEED-eligible building shall achieve either LEED
11165 platinum certification or the Living Building Challenge certification, or both; and

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11166 b. A major remodel or renovation of a LEED-eligible building shall achieve
11167 either LEED gold certification or the Living Building Challenge certification, or both; and

11168 3. Capital projects owned or lease-to-own by King County that are not subject to
11169 subsection A.1. or 2. of this section shall either achieve a platinum rating according to a
11170 King County or division-specific Sustainable Infrastructure Scorecard or achieve
11171 certification through an applicable alternative green building rating system, or both.

11172 B. All capital projects to which subsection A. of this section applies:

11173 1. Shall meet King County Surface Water Design Manual requirements, regardless
11174 of jurisdiction location. If a project is located in a jurisdiction where the surface water
11175 design manual standards and requirements are different than King County's, the project shall
11176 implement the more stringent requirement;

11177 2. Shall achieve a minimum diversion rate of eighty percent for construction and
11178 demolition materials, achieve an eighty-five percent diversion rate beginning in 2025 and
11179 shall achieve zero waste of resources with economic value beginning in 2030;

11180 3. Shall achieve applicable King County equity and social justice credits for capital
11181 projects regardless of the rating system used; ~~((and))~~

11182 4. Should use the practice of integrative process to maximize green building,
11183 sustainable development, community benefit, and financial investment opportunities over
11184 the life of the asset; and

11185 5. Should use the social cost of carbon in life-cycle assessments and decision
11186 making related to facility construction and resource efficiency projects.

11187 C.1. For leases by a King County agency for King County operations at non-King-
11188 County-owned facilities, the agency shall seek to incorporate the latest green building and

11189 sustainable development practices in the county-occupied space.

11190 2. For new leases of King County-employee-occupied-space of longer than five
11191 years, including lease-to-own projects, King County shall lease buildings that are certified
11192 through the LEED rating system at silver level or higher, are Energy Star Certified, or are
11193 certified through an alternative green building rating system, but only when those ratings are
11194 consistent with the operational needs of the function. Buildings that do not meet these
11195 standards can be leased by the county if plans and financing are in place at the time of
11196 signing that will enable the building to meet this standard within twenty-four months of
11197 lease signing.

11198 D. As part of the county's green building program, the county shall preserve and
11199 restore the historic landmarks and properties eligible for landmark designation that are
11200 owned by the county, except in cases where a certificate of appropriateness is granted by the
11201 King County landmarks commission.

11202 SECTION 221. Ordinance 16650, Section 1, as amended, and K.C.C. 21A.55.101
11203 are hereby amended to read as follows:

11204 A.1. The purpose of the sustainable communities and housing demonstration
11205 projects is to provide affordable housing and workforce housing integrated into
11206 developments containing market rate housing and maximize sustainable development,
11207 which includes: bike, pedestrian, and transit connections(()); a mix of housing types(());
11208 and the use of recyclable materials. The demonstration projects will provide information on
11209 the application of these techniques to urban infill redevelopment and urban single family
11210 residential development, some of which may include mixed use. The demonstration
11211 projects will also assist the county in refining regulations relating to zoning, subdivision,

11212 roads, and stormwater as they relate to sustainable development.

11213 2. The demonstration projects will also enable the county to evaluate whether
11214 consolidated administrative approval of zoning and subdivision-related modifications or
11215 waivers and any subsequent hearings, if required, effectively speeds the development review
11216 process while maintaining land use coordination and environmental protection and whether
11217 that leads to administrative costs savings for project applicants and King County.

11218 B. The expected benefits from the demonstration projects include: the use of
11219 innovative design and development techniques to promote sustainable communities,
11220 reduced impervious surface areas for site infrastructure; a greater use of recycled-content
11221 building materials and more efficient use of energy and natural resources; and the
11222 opportunity to identify and evaluate potential substantive changes to land use development
11223 regulations that support the development of sustainable and affordable housing.

11224 C. A request by the applicant to modify or waive development standards for the
11225 development proposals shall be evaluated by the department of local services, permitting
11226 division, based on the criteria in subsection J. of this section. A request shall first be either
11227 approved or denied administratively and may be further reviewed as described in subsection
11228 H.3. of this section. Approval or denial of the proposed modification or waiver shall not be
11229 construed as applying to any other development application either within the demonstration
11230 project area or elsewhere in the county.

11231 D. A modification or waiver approved by the department of local services,
11232 permitting division, in accordance with this section shall be in addition to those
11233 modifications or waivers that are currently allowed by this title. The proposed modifications
11234 or waivers to development regulations that may be considered regarding sustainable

Ordinance

11235 communities and housing demonstration projects shall include only the following chapters
11236 and related public rules:

11237 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
11238 Design Manual;

11239 2. King County road standards: K.C.C. chapter 14.42 and the county road
11240 standards(~~(, 2007 update)~~);

11241 3. Density and dimensions: K.C.C. chapter 21A.12;

11242 4. Design requirements: K.C.C. chapter 21A.14;

11243 5. Landscaping and water use: K.C.C. chapter 21A.16;

11244 6. Parking and circulation: K.C.C. chapter 21A.18;

11245 7. Signs: K.C.C. chapter 21A.20;

11246 8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net
11247 improvement to the functions of the critical area; and

11248 9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

11249 E. A demonstration project authorized by this section may contain residential and
11250 limited nonresidential uses subject to the following:

11251 1. The demonstration project may include any residential uses as allowed as a
11252 permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C.
11253 21A.08.030, without the need to request a modification or waiver as described in subsection
11254 H. of this section. The applicant may request a modification or waiver of any of the
11255 development conditions for residential uses contained in K.C.C. 21A.08.030, subject to the
11256 review process described in subsection H. of this section and the criteria in subsection J. of
11257 this section;

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11258 2. The demonstration project may include, as part of a residential project, any
11259 nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030,
11260 21A.08.040, 21A.08.050, 21A.08.060, and 21A.08.070, subject to any development
11261 conditions contained in those sections without the need to request a modification or waiver
11262 as described in subsection H. of this section, except the following uses are not allowed:

11263 a. automotive parking;

11264 b. automotive repair(~~and~~);

11265 c. automotive service(~~(, K.C.C. 21A.08.050)~~);

11266 ~~((e.))~~ d. commuter parking lot, (~~(K.C.C. 21A.08.060,)~~) unless as part of a transit-
11267 oriented development. For the purposes of this subsection (~~(E.2.e.))~~ E.2.d., "transit-oriented
11268 development" means a development that is designated as a transit-oriented development in
11269 an agreement with the county and that includes the construction of new housing units at or
11270 within one quarter mile of a county transit center or park and ride lot;

11271 ~~((d.))~~ e. gasoline service stations(~~(as defined in K.C.C. 21A.08.070)~~);

11272 ~~((e.))~~ f. off-street required parking lot;

11273 g. commercial and industrial accessory uses;

11274 ~~((f.))~~ h. private stormwater management facility;

11275 ~~((g.))~~ i. self-service storage; and

11276 ~~((h.))~~ j. vector waste receiving facility.

11277 3. The nonresidential uses shall be no greater than three thousand square feet per
11278 use, with a total maximum of all nonresidential uses not to exceed ten percent of the area of
11279 the demonstration project site or twenty thousand square feet, whichever is smaller. The
11280 applicant may request a modification or waiver of the development conditions for

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11281 nonresidential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, and
11282 21A.08.070, subject to the review process described in subsection H. of this section and the
11283 criteria in subsection J. of this section.

11284 F. A demonstration project authorized by this section allows a residential basics
11285 program for townhouse and apartment building types, consistent with the department of
11286 local services public rules chapter 16-04: residential basics program.

11287 G. All related review processes such as subdivision, building permit, inspection and
11288 similar processes for a demonstration project shall be expedited if:

11289 1. Fifty percent or more of all residential units proposed for the demonstration
11290 project are affordable to households at eighty percent of area median income, as defined by
11291 Department of Housing and Urban Development income guidelines for King County and
11292 below; or

11293 2. Seventy percent or more of all residential units for the demonstration project are
11294 affordable to households at eighty to one hundred fifteen percent of area median income, as
11295 defined by Department of Housing and Urban Development income guidelines for King
11296 County.

11297 H.1. Requests for a modification or waiver made in accordance with this section
11298 may only be submitted in writing in relation to the following types of applications:

- 11299 a. a site development permit;
- 11300 b. a binding site plan;
- 11301 c. a building permit;
- 11302 d. a short subdivision; or
- 11303 e. a subdivision.

11304 2. Requests shall be submitted to the department in writing before or in
11305 conjunction with an application for one or more of the permits listed in subsection H.1. of
11306 this section, together with any supporting documentation. The supporting documentation
11307 must illustrate how the proposed modification meets the criteria in subsection J. of this
11308 section.

11309 3. Except for an applicant's request for a modification or waiver submitted in
11310 conjunction with an application for a subdivision, the notice of application, review and
11311 approval of a proposed modification or waiver shall be treated as a Type 2 land use decision
11312 in accordance with K.C.C. 20.20.020. The request for a modification or waiver submitted in
11313 conjunction with an application for a subdivision shall be treated as a Type 3 land use
11314 decision in accordance with K.C.C. 20.20.020.

11315 4. A preapplication meeting with the applicant and the department of local
11316 services, permitting division, to determine the need for and the likely scope of a proposed
11317 modification or waiver is required before submittal of such a request. If a modification or
11318 waiver requires approval of the department of natural resources and parks or the department
11319 of local services, road services division, that department or division shall be invited to
11320 participate in the preapplication meeting.

11321 5. If the applicant requests an adjustment from the county drainage standards, the
11322 director shall refer the request to the department of natural resources and parks for decision
11323 under K.C.C. chapter 9.04, with the right to appeal within the department of natural
11324 resources and parks as provided in K.C.C. 9.04.050.C.6. The department of natural
11325 resources and parks shall consider the purposes of this demonstration ordinance as a factor
11326 relative to the public interest requirement for drainage adjustments described in

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11327 K.C.C.9.04.050.C.

11328 6. If the applicant requests a variance from the county road standards, the director
11329 shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with
11330 the right to appeal within the department of local services, road services division, as
11331 provided in K.C.C. 14.42.060 and the associated public rule. The department of local
11332 services, road services division, shall consider the purposes of this demonstration ordinance
11333 as a factor relative to the public interest requirement for road variances described in K.C.C.
11334 14.42.060.

11335 7. Administrative appeals of modifications or waivers approved by the director
11336 shall be combined with any appeal of the underlying permit decision, if the underlying
11337 permit is subject to appeal.

11338 I. An approved development proposal for any of the applications listed in subsection
11339 H.1. of this section, including site plan elements or conditions of approval may be amended
11340 or modified at the request of the applicant or the applicant's successor in interest designated
11341 by the applicant in writing. The director may administratively approve minor modifications
11342 to an approved development proposal. Modifications that result in major changes as
11343 determined by the department or as defined by the approval conditions shall be treated as a
11344 new application for purposes of vesting and shall be reviewed as applicable to the
11345 underlying application pursuant to K.C.C. 20.20.020. Any increase in the total number of
11346 dwelling units above the maximum number set forth in the development proposal permit or
11347 approval shall be deemed a major modification. The county, through the applicable
11348 development proposal permit or approval conditions, may specify additional criteria for
11349 determining whether proposed modifications are major or minor. The modifications

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11350 allowed under this section supersede other modification or revision provisions of K.C.C.
11351 Title 16 and Title 19A and this title.

11352 J.1. To be eligible to use the provisions of this section, a demonstration project must
11353 be located on a demonstration project site identified in Attachment A or Attachment B to
11354 Ordinance 16650(~~(, Section 2,)~~) and the applicant has accepted the site as a King County
11355 sustainable communities and housing demonstration project.

11356 2. Proposals to modify or waive development regulations for a development
11357 application must be consistent with general health, safety, and public welfare standards, and
11358 must not violate state or federal law.

11359 3.a. Applications must demonstrate how the proposed project, when considered as
11360 a whole with the proposed modifications or waivers to the code, will meet all of the criteria
11361 in this subsection J., as compared to development without the modification or waiver, and:

- 11362 (1) achieves higher quality urban development;
- 11363 (2) provides quality infill development;
- 11364 (3) optimizes site utilization; and
- 11365 (4) enhances pedestrian experiences and sense of place and community.

11366 b. Any individual request for a modification or waiver must meet two or more of
11367 the following criteria:

- 11368 (1) contributes to the creation of a sustainable community, which includes
11369 features such as a connected street network, a mix of housing types, pedestrian or bike
11370 routes throughout the development, direct bus connections, no front garages, and front
11371 porches.

- 11372 (2) uses the natural site characteristics to protect the natural systems;
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11373 (3)(a) contributes to achievement of a three-star rating for the project site under
 11374 the Built Green Communities program administered by the Master Builders Association of
 11375 King and Snohomish Counties;

11376 (b) contributes to achievement of a four-star or higher rating for the single
 11377 family units under the Built Green program administered by the Master Builders
 11378 Association of King and Snohomish Counties or achieve a gold certification under the U.S.
 11379 Green Building Council, LEED program, or equivalent program; or

11380 (c) contributes to achievement of a four-star or higher rating for the
 11381 multifamily units under the Built Green program administered by the Master Builders
 11382 Association of King and Snohomish Counties or achieve a gold certification under the U.S.
 11383 Green Building Council, LEED program, or other equivalent program; and

11384 (4) provides attractive, well-designed development that will assist in improving
 11385 safety and preventing crime in the development and surrounding area, including: adequate
 11386 outdoor lighting along walkways ~~((/))~~ and trails ~~((;))~~; walkways ~~((/))~~ and trails ~~((5'))~~ five feet
 11387 or wider; and low vegetation along walkways ~~((/))~~ and trails.

11388 4. The criteria in this subsection supersede other variance, modification or waiver
 11389 criteria and provisions of K.C.C. Title 21A.

11390 K. Regulatory modification and waiver applications, or both, authorized by this
 11391 section shall be filed with the department of local services, permitting division, within three
 11392 years of the approval of the development proposal, which includes issuance of a building
 11393 permit or site development permit, recording of a plat, short plat or binding site plan, or by
 11394 such a later date as may be specified in the conditions of any development approval for any
 11395 type of modification or waiver for which the opportunity for future application is expressly

11396 granted in those conditions. Modifications or waivers contained within an approved
11397 development proposal are valid as long as the underlying permit or development application
11398 approval is valid. If modifications or waivers are approved as separate applications, they
11399 must be incorporated into a valid permit or development application within three years of
11400 approval of the development proposal. The director may extend the date for filing the
11401 demonstration project permit and development applications for a maximum of twelve
11402 months. Any deadline in this subsection shall be adjusted to include the time for appeal of
11403 all or any portion of the project approval.

11404 SECTION 222. The following are hereby repealed:

- 11405 A. Ordinance 14050, Section 17, and K.C.C. 14.70.300;
- 11406 B. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150;
- 11407 C. Ordinance 16267, Section 6, and K.C.C. 16.82.151;
- 11408 D. Ordinance 15053, Section 15, as amended, and K.C.C. 16.82.152;
- 11409 E. Ordinance 15053, Section 16, and K.C.C. 16.82.154;
- 11410 F. Ordinance 18810, Section 6, and K.C.C. 20.08.175;
- 11411 G. Ordinance 1096, Sections 1 and 2, as amended, and K.C.C. 20.12.090;
- 11412 H. Ordinance 8279, Section 1, as amended, and K.C.C. 20.12.150;
- 11413 I. Ordinance 11620, Section 18, and K.C.C. 20.12.433;
- 11414 J. Ordinance 11620, Section 19, and K.C.C. 20.12.435;
- 11415 K. Ordinance 8380, Section 1, and K.C.C. 20.14.010;
- 11416 L. Ordinance 8380, Appendix A;
- 11417 M. Ordinance 8380, Appendix B;
- 11418 N. Ordinance 10238, Section 1, as amended, and K.C.C. 20.14.020;

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- 11419 O. Ordinance 10293, Attachment A, as amended;
- 11420 P. Ordinance 10293, Sections 1, 2, 6, 7, and 9, as amended, and K.C.C. 20.14.025;
- 11421 Q. Ordinance 10293, Attachment A, as amended;
- 11422 R. Ordinance 10513, Section 1, as amended, and K.C.C. 20.14.030;
- 11423 S. Ordinance 10513, Attachment A, as amended;
- 11424 T. Ordinance 11087, Section 1, as amended, and K.C.C. 20.14.040;
- 11425 U. Ordinance 11087, Attachment A, as amended;
- 11426 V. Ordinance 11111, Section 1, as amended, and K.C.C. 20.14.050;
- 11427 W. Ordinance 11111, Attachment A, as amended;
- 11428 X. Ordinance 11886, Sections 1 and 4, as amended, and K.C.C. 20.14.060;
- 11429 Y. Ordinance 11886, Attachment A, as amended;
- 11430 Z. Ordinance 12809, Section 1, as amended, and K.C.C. 20.14.070;
- 11431 AA. Ordinance 12809, Attachment A, as amended;
- 11432 BB. Ordinance 14091, Section 1, and K.C.C. 20.14.080;
- 11433 CC. Ordinance 14091, Attachment A;
- 11434 DD. Ordinance 12171, Section 3, and K.C.C. 21A.06.533;
- 11435 EE. Ordinance 10870, Section 196, and K.C.C. 21A.06.780;
- 11436 FF. Ordinance 10870, Section 308, and K.C.C. 21A.06.1340;
- 11437 GG. Ordinance 10870, Section 550, and K.C.C. 21A.32.130;
- 11438 HH. Ordinance 10870, Section 140, and K.C.C. 21A.32.140;
- 11439 II. Ordinance 10870, Section 560, and K.C.C. 21A.34.010;
- 11440 JJ. Ordinance 10870, Section 561, and K.C.C. 21A.34.020;
- 11441 KK. Ordinance 10870, Section 562, as amended, and K.C.C. 21A.34.030;

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- 11442 LL. Ordinance 10870, Section 563, as amended, and K.C.C. 21A.34.040;
- 11443 MM. Ordinance 10870, Section 564, as amended, and K.C.C. 21A.34.050;
- 11444 NN. Ordinance 10870, Section 565, as amended, and K.C.C. 21A.34.060;
- 11445 OO. Ordinance 10870, Section 566, and K.C.C. 21A.34.070;
- 11446 PP. Ordinance 10870, Section 567, and K.C.C. 21A.34.080;
- 11447 QQ. Ordinance 16267, Section 68, as amended, and K.C.C. 21A.37.055;
- 11448 RR. Ordinance 10870, Section 581, as amended, and K.C.C. 21A.38.080;
- 11449 SS. Ordinance 18623, Section 9, and K.C.C. 21A.38.270;
- 11450 TT. Ordinance 10870, Section 582, and K.C.C. 21A.39.010;
- 11451 UU. Ordinance 10870, Section 583, as amended, and K.C.C. 21A.39.020;
- 11452 VV. Ordinance 10870, Section 584, as amended, and K.C.C. 21A.39.030;
- 11453 WW. Ordinance 10870, Section 585, and K.C.C. 21A.39.040;
- 11454 XX. Ordinance 10870, Section 586, as amended, and K.C.C. 21A.39.050;
- 11455 YY. Ordinance 10870, Section 587, and K.C.C. 21A.39.060;
- 11456 ZZ. Ordinance 10870, Section 588, and K.C.C. 21A.39.070;
- 11457 AAA. Ordinance 10870, Section 589, and K.C.C. 21A.39.080;
- 11458 BBB. Ordinance 10870, Section 590, and K.C.C. 21A.39.090;
- 11459 CCC. Ordinance 10870, Section 591, and K.C.C. 21A.39.100;
- 11460 DDD. Ordinance 10870, Section 592, and K.C.C. 21A.39.110;
- 11461 EEE. Ordinance 10870, Section 593, and K.C.C. 21A.39.120;
- 11462 FFF. Ordinance 10870, Section 594, and K.C.C. 21A.39.130;
- 11463 GGG. Ordinance 12171, Section 8, and K.C.C. 21A.39.200;
- 11464 HHH. Ordinance 10870, Section 628, and K.C.C. 21A.44.070;

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- 11465 III. Ordinance 12171, Section 9, and K.C.C. 21A.44.080;
- 11466 JJJ. Ordinance 14662, Section 1, as amended, and K.C.C. 21A.55.060;
- 11467 KKK. Ordinance 17877, Section 1;
- 11468 LLL. Ordinance 17877, Section 2;
- 11469 MMM. Ordinance 17877, Section 3;
- 11470 NNN. Ordinance 17878, Section 1;
- 11471 OOO. Ordinance 17878, Section 2;
- 11472 PPP. Ordinance 17878, Section 3; and
- 11473 QQQ. Ordinance 16650, Attachment B.
- 11474 SECTION 223. The executive shall submit sections 30, 31, 136, 137, 138, 141,
- 11475 143, 144, 145, 146, and 147 of this ordinance and amendments to King County
- 11476 Comprehensive Plan chapter six in Attachment A to this ordinance to the state
- 11477 Department of Ecology for its approval, as provided in RCW 90.58.090.
- 11478 SECTION 224. Sections 30, 31, 136, 137, 138, 141, 143, 144, 145, 146, and 147
- 11479 of this ordinance and amendments to King County Comprehensive Plan chapter six in
- 11480 Attachment A to this ordinance take effect within the shoreline jurisdiction fourteen days
- 11481 after the state Department of Ecology provides written notice of final action stating that
- 11482 the proposal is approved, in accordance with RCW 90.58.090. The executive shall
- 11483 provide the written notice of final action to the clerk of the council.
- 11484 SECTION 225. The executive is authorized to submit an application to the
- 11485 Growth Management Planning Council to designate the Skyway and White Center
- 11486 Unincorporated Activity Centers as countywide centers, as provided in Appendix 6 to the
- 11487 2021 King County Countywide Planning Policies.

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11488 SECTION 226. Severability. If any provision of this ordinance or its application
11489 to any person or circumstance is held invalid, the remainder of the ordinance or the
11490 application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Hay, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: A. 2024 King County Comprehensive Plan, B. Appendix A Capital Facilities and Utilities, C. Appendix B Housing Needs Assessment, D. Appendix C Transportation, E. Appendix C1 Transportation Needs Report, F. Appendix C2 Regional Trail Needs Report, G Appendix D1 Growth Targets and the Urban Growth Area, H . Amendments to Vashon-Maury Island Community Service Area Subarea Plan, As Amended, I. Land Use and Zoning Map Amendments