



## Legislation Details (With Text)

<b>File #:</b>	2019-0413	<b>Version:</b>	2
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	10/9/2019	<b>In control:</b>	Mobility and Environment Committee
<b>On agenda:</b>		<b>Final action:</b>	7/24/2020
<b>Enactment date:</b>	8/10/2020	<b>Enactment #:</b>	19146
<b>Title:</b>	<p>AN ORDINANCE relating to comprehensive planning and development regulations; amending Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055, Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017, Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100, Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337, Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030, Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050, Ordinance 114047, Section 4, and K.C.C. 20.18.055, Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060, Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 13147, Section 34, as amended, and K.C.C. 20.22.170, Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070, Ordinance 10870, Section 21, and K.C.C. 21A.02.110, Ordinance 10870, Section 22, as amended, and K.C.C. 21A.04.010, Ordinance 10870, Section 23, and K.C.C. 21A.04.020, Ordinance 10870, Section 28, as amended, and K.C.C. 21A.04.070, Ordinance 10870, Section 35, and K.C.C. 21A.04.140, Ordinance 10870, Section 36, as amended, and K.C.C. 21A.04.150, Ordinance 10870, Section 37, as amended, and K.C.C. 21A.04.160, Ordinance 10870, Section 38, as amended, and K.C.C. 21A.04.170, Ordinance 10870, Section 39, and K.C.C. 21A.04.180, Ordinance 10870, Section 42, and K.C.C. 21A.06.010, Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015, Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020, Ordinance 10870, Section 45, as amended and K.C.C. 21A.06.025, Ordinance 11157, Section 29, and K.C.C. 21A.06.150, Ordinance 13319, Section 3, and K.C.C. 21A.06.197, Ordinance 10870, Section 201, and K.C.C. 21A.06.805, Ordinance 10870, Section 310, and K.C.C. 21A.06.1350, Ordinance 10870, Section 315, and K.C.C. 21A.06.1375, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100, Ordinance 10870, Section 522 and K.C.C. 21A.28.120, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 16267, Section 30, and K.C.C. 21A.12.250, Ordinance 15032, Section 18, and K.C.C. 21A.14.025, Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030, Ordinance 10870, Section 413, as amended, and K.C.C. 21A.18.090, Ordinance 10870, Section 435, and K.C.C. 21A.20.150, Ordinance 10870, Section 439, as amended, and K.C.C. 21A.22.010, Ordinance 10870, Section 440, as amended, and K.C.C. 21A.22.020, Ordinance 10870, Section 441, and K.C.C. 21A.22.030, Ordinance 15032, Section 26, as amended, and K.C.C. 21A.22.035, Ordinance 10870, Section 442, as amended, and K.C.C. 21A.22.040, Ordinance 10870, Section 443, as amended, and K.C.C. 21A.22.050, Ordinance 10870, Section 444, as amended, and K.C.C. 21A.22.060, Ordinance 10870, Section 445, as amended, and K.C.C. 21A.22.070, Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081, Ordinance 15032, Section 34, and K.C.C. 21A.22.085, Ordinance 17539, Section 47, and K.C.C. 21A.24.072, Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310, Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316, Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325, Ordinance 3688, Section 303, as amended, and K.C.C. 21A.25.050, Ordinance 10870, Section 539, as amended, and K.C.C. 21A.32.020, Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010, Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020, Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040, Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070, Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100, Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110, Ordinance 13733, Section 12, as</p>		

amended, and K.C.C. 21A.37.130, Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040, Ordinance 10870, Section 578, as amended, and K.C.C. 21A.38.050, Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260, Ordinance 12627, Section 1, and K.C.C. 21A.55.010, Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020, Ordinance 12627, Section 3, and K.C.C. 21A.55.030, Ordinance 13332, Section 33, as amended, and K.C.C. 27.10.180 and Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.38, adding a new section to K.C.C. chapter 4.56, adding a new chapter to K.C.C. Title 21A, recodifying K.C.C. 21A.06.150 and K.C.C. 20.12.100 and repealing Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070, Ordinance 12171, Section 7, and K.C.C. 21A.38.110, Ordinance 12823, Section 9, and K.C.C. 21A.38.140 and Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240.

**Sponsors:** Dave Upthegrove, Rod Dembowski

**Indexes:** Comprehensive Plan, Development Regulations

**Code sections:** 16 - , 20.12.010 - , 20.12.015 - , 20.12.017 - , 20.12.337 - , 20.18.030 - , 20.18.040 - , 20.18.050 - , 20.18.055 - , 20.18.060 - , 20.18.070 - , 20.18.170 - , 20.18.180 - , 20.22.170 - , 21A.02.110 - , 21A.06 - , 21A.06.1350 - , 21A.06.1375 - , 21A.06.150 - , 21A.06.150 - , 21A.06.197 - , 21A.06.805 - , 21A.08.030 - , 21A.08.030 - , 21A.08.060 - , 21A.08.080 - , 21A.08.090 - , 21A.08.100 - , 21A.12.030 - , 21A.14.025 - , 21A.18.030 - , 21A.22.020 - , 21A.24.072 - \* , 21A.24.310 - , 21A.24.316 - , 21A.25.050 - \* , 21A.25.170 - , 21A.37.010 - , 21A.37.020 - , 21A.37.040 - , 21A.37.070 - , 21A.37.100 - , 21A.38 - , 21A.38.050 - , 21A.38.110 - , 21A.38.240 - , 21A.42 - , 27.10.080 -

**Attachments:** 1. Ordinance 19146, 2. Ordinance 19146 Attachments A-J, 3. A. 2020 Upd 2016 KCCP & 2017 Vashon-Maury Isl CSA Subarea PI 7/20/20, 4. B. App C Transport 2020 upd 2016 KCCP 7/20/20, 5. C. App C1 Transport Needs Report, 2020 upd 2016 KCCP 7/20/20, 6. D. Amds to Land Use & Zoning Maps, 2020 upd 2016 KCCP 7/20/20, 7. E. Amds to Shorelines of State Map, 2020 upd 2016 KCCP & SMP 7/20/20, 8. F. Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill CSA Subarea PI 7/20/20, 9. G. Apps to the Skyway-West Hill Land Use Strategy 7/20/20, 10. H. Shoreline Jurisdiction, Streams & Lakes Segments, 2020 upd 2016 KCCP & SMP 7/20/20, 11. I. Tech App S- Public Participation Summary 2020 Upd, 12. J. Upd 2012 KCCP, as adptd by Ord 17485 7/20/20, 13. 2019-0413 legislative review form, 14. A. Comprehensive Plan Amends 2020 Update, 15. B. Appendix C - Transportation, 16. C. Appendix C1 - Transportation, 17. D. Comp Plan Land Use Zoning Maps 2020 Update, 18. E. Shoreline Maps 2020 Update, 19. F. SWH Land Use Subarea Plan 2020 Update, 20. G. SWH Land Use Zoning Maps 2020 Update, 21. H. SMP Jurisdiction List 2020 Updates, 22. 2019-0413 transmittal letter, 23. 2019-0413 fiscal note, 24. 2019-0413 11.10\_ESJ\_Impact\_Analysis-2020Update, 25. 2019-0413 12\_Public\_Comment\_and\_Response\_Report-2020Update, 26. 2019-0413 04\_Advertising\_Notice-2020Update, 27. 2019-0413 05\_KC\_Commerce\_NOI\_to\_Amend-2020Update, 28. 2019-0413 06\_Commerce\_NOI\_Acknowledgement\_Letter-2020Update, 29. 2019-0413 07\_Regulatory\_Note-2020Update, 30. 2019-0413 08\_Plain-Language-Summary-of-2020Update, 31. 2019-0413 09\_I-207\_Analysis\_for-2020Update, 32. 2019-0413 10.0\_Area\_Studies\_TOC-2020Update, 33. 2019-0413 10.1\_Snoqualmie\_APD\_Expansion\_Area\_Study, 34. 2019-0413 10.2\_Woodinville\_Roundabout\_Area\_Study, 35. 2019-0413 10.3\_N\_Parcel\_Thurnau\_Park\_Area\_Study, 36. 2019-0413 10.4\_SDO\_230\_Floodplain\_Densities, 37. 2019-0413 10.5\_East\_Cougar\_Mountain\_PAA\_Area\_Study, 38. 2019-0413 10.6\_Maple\_Valley\_UGA\_Area\_Study, 39. 2019-0413 10.7\_Bear\_Creek\_UPD\_Area\_Study, 40. 2019-0413 10.8\_Carnation\_PAA\_Area\_Study, 41. 2019-0413 11.0\_Code\_Studies\_TOC-2020Update, 42. 2019-0413 11.01\_Residential\_Density\_Incentive\_Program\_Code\_Study, 43. 2019-0413 11.02\_Cottage\_Housing\_Code\_Study, 44. 2019-0413 11.03\_ADU\_ALQ\_Code\_Study, 45. 2019-0413 11.04\_Organics\_Composting\_Regulations\_Code\_Study, 46. 2019-0413 11.05\_Sea\_Level\_Rise\_Code\_Study, 47. 2019-0413 11.06\_TDR\_Program\_Review\_Report, 48. 2019-0413 11.07\_4-1\_Program\_Review\_Report, 49. 2019-0413 11.08\_Vashon\_Subarea\_Plan\_Actions\_Report, 50. 2019-0413 11.09\_Affordable\_Housing\_County-Owned\_Properties\_Report, 51. 2019-0413\_SR\_dated\_101519\_2020KCCP, 52. 2019-0413\_ATT3\_Schedule\_100819, 53. 2019-0413\_ATT4\_Motion15329, 54. 2019-0413\_ATT5\_ExecPPT\_100819, 55. 2019-0413\_SR\_dated\_110519\_2020KCCP, 56. 2019-0413\_Att5\_OnePager, 57. 2019-0413\_Att6\_PublicComments, 58. 2019-0413\_Att7\_ExecPPT\_11052019, 59. 2019-0413\_SR\_dated\_111919\_2020KCCPv2, 60. 2019-0413\_Att5\_PublicCommentsthrough11-13-19, 61. 2019-0413\_SR\_dated\_120319\_2020KCCP, 62.

2020CompPlan\_Schedule\_112519, 63. 2019-0413\_SR\_dated\_012220\_2020KCCP, 64. 2019-0413\_Att3\_Schedule012120, 65. 2019-0413\_SR\_dated\_06032020\_2020KCCP.docx, 66. 2019-0413\_Att3\_Schedule060420.docx, 67. I. Tech Appendix S-Public Participation Summary 2020 Update, 68. 2019-0413\_SR\_dated\_07072020\_2020KCCP.docx, 69. 2019-0413\_SR\_dated\_07212020\_2020KCCP.docx, 70. 5. 2019-0413 S4point1 Line Amendment Tracker 07-21-20.pdf, 71. 5. 2019-0413 StrikerS4point1-SummaryMatrix.pdf, 72. 5. LINK to 2019-0413 Amendments.pdf, 73. 2019-0413\_T5-for S4.1.pdf, 74. 2019-0413\_SR\_dated\_07212020\_2020KCCP.docx, 75. 2019-0413\_Att3\_Schedule06292020.docx, 76. 2019-0413\_SR\_dated\_07242020\_2020KCCP.docx, 77. 2019-0413\_Att3\_Schedule\_072220.docx, 78. 2019-0413 Edits to Version 2.docx, 79. 2019-0413 Affidavit of Publication 8-03-20 Seattle Times, 80. 2019-0413 Affidavit of Publication 8-06-20 Woodinville Weekly, 81. 2019-0413 Affidavit of Publication 8-07-20 Robinson Newspapers, 82. 2019-0413 Commerce Post Adoption.doc, 83. Acknowledge-Letter-2020-S-1697.pdf, 84. 2019-0413 Invoice & Affidavit of Publication - Robinson Communications Invoice 21212178.pdf, 85. 2019-0413 Invoice & Affidavit of Publication--Woodinville Weekly Invoice #2764.pdf, 86. 2019-0413 Invoice 21856 & Affidavit of Posting - Voice of the Valley.pdf, 87. 2019-0413 Affidavit of Publication 8-03-20 Seattle Times, 88. 2019-0413 RobinsonCommunications Invoice and Affidavit--1-8-2021.pdf, 89. AUB904929--2019-0413 - 19146 - Invoice & Affidavit.pdf, 90. ECH904931--2019-0413 - 19146--Invoice & Affidavit.pdf, 91. KEN904930--2019-0413 - 19146 - Invoice & Affidavit.pdf, 92. 2020-0413 - 19146 Invoice & Affidavit.pdf, 93. SVR904928--2019-0413 - 19146 Invoice & Affidavit.pdf, 94. KingCountyFinAppLtr, 95. Ecology-SMP-Approval-AttA-Ords-19128-19146-19244, 96. Ecology-SMP-Approval-Letter-Ords-19128-19146-19244

Date	Ver.	Action By	Action	Result
7/24/2020	1	Metropolitan King County Council	Passed as Amended	Pass
7/21/2020	1	Metropolitan King County Council	Deferred	
7/7/2020	1	Metropolitan King County Council	Deferred	
6/9/2020	1	Metropolitan King County Council	Deferred	
2/12/2020	1	Mobility and Environment Committee	Deferred	
1/28/2020	1	Metropolitan King County Council	Reintroduced	
1/22/2020	1	Mobility and Environment Committee	Deferred	
12/3/2019	1	Mobility and Environment Committee	Deferred	
11/19/2019	1	Mobility and Environment Committee	Deferred	
11/5/2019	1	Mobility and Environment Committee	Deferred	
10/15/2019	1	Mobility and Environment Committee	Deferred	
10/9/2019	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to comprehensive planning and development regulations; amending Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055, Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017, Ordinance

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

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

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

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

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

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

and operation of fossil fuel facilities in order to address those impacts to the residents of King County.

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

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

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

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



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

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

L. The 2016 King County Comprehensive Plan launched a Community Service Areas subarea planning program. Community Service Area ("CSA") subarea plans are expected to be created for the six rural CSAs and for the five remaining large urban unincorporated potential annexation areas. The CSA subarea planning program recognizes the county's role as a local service provider in the unincorporated area, including for localized long-range planning. Many areas of unincorporated King County have not had subarea planning since the 1990s or earlier. The CSA subarea planning program as restructured in the 2018 update and refined in the 2020 update will provide improved coordination, accountability and service delivery in the area of long-range planning for unincorporated areas of King County.

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

N. As part of the 2020 update, this ordinance adopts the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan. Initially the Strategy was drafted as a CSA subarea plan. However, the

equity impact analysis completed for the Strategy identified potential equity impacts of the plan as drafted. Further, the focus of the Strategy on land use did not fully reflect the community's priorities and would not implement the community's vision and guiding principles. As a result, the Strategy is adopted as an interim measure while the CSA subarea plan is developed by the county consistent with the refinements in the 2020 update to improve coordination, accountability and service delivery to unincorporated King County.

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

SECTION 2. A.1. Attachments A, B, C, D, E, F, G, H and I to this ordinance are adopted as amendments to the 2016 King County Comprehensive Plan, as adopted in Ordinance 18472 and its attachments and as amended by Ordinance 18623 and Ordinance 18810.

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

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

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

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

E. The land use and zoning amendments in sections 82, 83, 84, 85 and 90 of this ordinance and Attachment D to this ordinance are hereby adopted as amendments to Appendix A to Ordinance 12824, as

amended, and as the official land use and zoning controls for those portions of unincorporated King County defined in those sections of this ordinance and attachments to this ordinance.

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

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

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

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

1. Planning, preparing and managing, with emphasis on fiscal management and control aspects, the annual operating and capital project budgets;
2. Preparing forecasts of and monitor revenues;
3. Monitoring expenditures and work programs in accordance with Section 475 of the King County Charter;
4. Developing and preparing expenditure plans and ordinances to manage the implementation of the operating and capital project budgets throughout the fiscal period;
5. Formulating and implementing financial policies regarding revenues and expenditures for the county and other applicable agencies;
6. Performing program analysis, and contract and performance evaluation review;
7. Developing and transmitting to the council, concurrent with the biennial proposed budget, supporting materials consistent with K.C.C. chapter 4A.100;
8. Performance management and accountability:
  - a. providing leadership and coordination of the performance management and accountability system

countywide;

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

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

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

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

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

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

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

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

9. Strategic planning and interagency coordination:

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

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

- c. negotiating interlocal agreements as designated by the executive; and
- d. serving as the liaison to the boundary review board for King County;

10. Business relations and economic development:

- a. developing proposed policies to address regional, unincorporated urban, and rural economic development;
- b. establishing, fostering and maintaining healthy relations with business and industry;
- c. implementing strategies and developing opportunities that include partnering with, cities, the Port of Seattle and other economic entities on regional and subregional economic development projects;
- d. developing and implementing strategies to promote economic revitalization and equitable development in urban unincorporated areas including the possible assembly of property for the purpose of redevelopment;
- e. refining and implementing strategies in the county's rural economic strategies to preserve and enhance the rural economic base so that the rural area can be a place to both live and work; and
- f. assisting communities and businesses in creating economic opportunities, promoting a diversified economy and promoting job creation with the emphasis on family-wage jobs;

11. Continuous improvement:

- a. leading, coordinating and implementing a program of continuous improvement, including the provision of leadership development, transformational improvement and capacity building in Lean thinking; and
- b. providing annual reports to the council on the implementation of the continuous improvement program, including but not limited to a description of the number of people and agencies that have received training, the processes changed as a result of Lean implementation and the budget and other impacts of these changes; and

12. Regional planning:

- a. coordinating the county's participation in multicounty planning at the Puget Sound Regional Council, including serving on the Puget Sound Regional Council's regional staff committee;
- b. coordinating countywide planning at the Growth Management Planning Council consistent with the Washington state Growth Management Act, including leading the Growth Management Planning Council's interjurisdictional staff team in accordance with the interlocal agreement authorized by King County Motion 8495;
- c. managing updates to the county's Comprehensive Plan in coordination with the department of local services(~~(, permitting division,))~~) in accordance with K.C.C. Title 20;
- d. coordinating the development of demographic and growth forecasting data and information including census data, growth targets and buildable lands;
- e. facilitating annexations and joint planning with cities, including developing annexation proposals, drafting interlocal agreements, and serving as the liaison to the boundary review board for King County; and
- f. coleading with the department of local services, permitting division, an interbranch regional planning team that supports the council and executive through the provision of information and data, development of policy proposals and options for regional issues related to growth management, economic development and transportation. Participation in the interbranch regional planning team shall include executive, department and council staff as designated by the respective branches.

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

- 1. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;
- 2. Developing and maintaining databases of information relevant to the collective bargaining process;
- 3. Representing county agencies in labor arbitrations, appeals, and hearings including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration with the department of human resources;
- 4. Administering labor contracts and providing consultation to county agencies regarding the terms

and implementation of negotiated labor agreements, in collaboration with the department of human resources;

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

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

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

a. liquor licenses under chapter 66.20 RCW; and

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

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

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

E. The executive may assign or delegate budgeting, performance management and accountability, economic development and strategic planning and interagency coordination functions to employees in the office of the executive but shall not assign or delegate those functions to any departments.

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

A. The department of local services is responsible for managing and being fiscally accountable for the permitting division and the road services division. The department shall also administer the county roads function as authorized in applicable sections of Titles 36 and 47 RCW and other laws, regulations and

ordinances as may apply. Consistent with Motion 15125, the ~~((executive))~~ department shall:

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

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

3. Develop and implement programs and strategies that emphasize:

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

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

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

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

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

f. pursuing innovative funding strategies.

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

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



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

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

c. establish performance metrics and monitoring for implementation of the subarea plan;

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

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

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

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

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

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

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

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

2. Each community needs list shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. The community needs lists shall be used to develop proposals for the executive's proposed biennial budget, including services, programs, infrastructure and facilities that implement the list. As part of the

executive's biennial budget transmittal, the executive shall include a description of how the proposed biennial budget implements the list, and for the 2021-2022 budget, how the executive's biennial budget implements the initial catalog described in subsection C.5.b.(1) of this section.

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

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

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

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

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

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

e. identify public meetings for the area;

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

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

implementation of the community needs list; and

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

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

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

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

2. Service partnerships agreements shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. ensuring consistent and efficient administration of environmental, building and land use codes and regulations for commercial and residential projects by means of permit review and approval, construction

inspections and public information;

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

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

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

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

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

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

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

2. The permitting division manager shall be the:

a. county planning director;

b. zoning adjuster;



- c. responsible official for purposes of administering the state Environmental Policy Act;
- d. county building official; and
- e. county fire marshal.

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

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

- 1. Designing, constructing and maintaining county roads, bridges and associated drainage facilities;
- 2. Designing, installing and maintaining county traffic signs, markings and signals;
- 3. Designing, installing and maintaining bicycle and pedestrian facilities;
- 4. Managing intergovernmental contracts or agreements for services related to road maintenance and construction and to other transportation programs supporting the transportation plan;
- 5. Inspecting utilities during construction and upon completion for compliance with standards and specifications; assuring that public facilities disturbed due to construction are restored;
- 6. Performing detailed project development of roads capital improvement projects that are consistent with the transportation element of the county's Comprehensive Plan, and coordinating such programming with other county departments and divisions assigned responsibilities for Comprehensive Plan implementation;
- 7. Incorporating into the roads capital improvement program those projects identified in the transportation needs report, community plans, related functional plans and elsewhere consistent with the county's Comprehensive Plan;
- 8. Preparing, maintaining and administering the county road standards;
- 9. Preparing and administering multiyear roads maintenance and capital construction plans and

periodic updates;

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

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

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

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

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

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

Comprehensive Plan, as adopted in Ordinance 18427 and as amended by Ordinance 18623, Ordinance 18810 ((and)), Ordinance 19034 and this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

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

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

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

21A.01.070. The following are adopted as attachments to Ordinance 11653:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Amendments to the 1994 King County Comprehensive Plan area zoning, Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance 12170 are hereby adopted to comply with the Decision and Order of the Central Puget Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

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

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

conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12531.

H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance 12533 as Appendix B is adopted as the official zoning control for those portions of unincorporated King County defined therein.

Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12533.

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

J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-DPA, Demonstration Project Area", to the properties identified on Map A attached to Ordinance 12627.

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

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

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

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

2. All ordinances adopting individual zone reclassifications effective ((prior to)) before February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313,

3360, 3424, 3494, 3496, 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271((;)) and 11651, are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824;

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

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

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

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

c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as Appendix B, as amended is hereby repealed.

d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to Ordinance 6986 as

Appendix B, as amended, is hereby repealed.

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

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

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

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

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

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

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

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

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

n. The West Hill Community Plan Area Zoning adopted in Ordinance ((4446)) 11166, as amended, is hereby repealed; and

5. All ordinances adopting area zoning pursuant to Title 21A and not converted by Ordinance 11653, including community or ((e))Comprehensive ((p))Plan area zoning and all subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f. of this section All property specific development standards (p-suffix conditions) are retained, repealed, amended or replaced by the property specific development

standards as set forth in Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

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

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

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

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

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

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

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

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



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

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

1. Emergencies;
2. An appeal of the plan filed with the Central Puget Sound Growth Management Hearings Board or with the court;
3. The initial adoption of a subarea plan, which may amend the urban growth area boundary only to redesignate land within a joint planning area;
4. An amendment of the capital facilities element of the Comprehensive Plan that occurs in conjunction with the adoption of the county budget under K.C.C. 4A.100.010; or
5. The adoption or amendment of a shoreline master program under chapter 90.58 RCW.

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

1. Technical amendments to policy, text, maps or shoreline environment designations;
2. The annual capital improvement plan;
3. The transportation needs report;
4. School capital facility plans;

5. Changes required by existing Comprehensive Plan policies;
6. Changes to the technical appendices and any amendments required thereby;
7. Comprehensive updates of subarea plans initiated by motion;
8. Changes required by amendments to the Countywide Planning Policies or state law;
9. Redesignation proposals under the four-to-one program as provided for in this chapter;
10. Amendments necessary for the conservation of threatened and endangered species;
11. Site-specific land use map amendments that do not require substantive change to Comprehensive Plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors;
12. Amendments resulting from subarea studies required by Comprehensive Plan policy that do not require substantive change to Comprehensive Plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors;
13. Changes required to implement a study regarding the provision of wastewater services to a Rural Town. The amendments shall be limited to policy amendments and adjustment to the boundaries of the Rural Town as needed to implement the preferred option identified in the study;
14. Adoption of community service area subarea plans;
15. Amendments to the Comprehensive Plan update schedule that respond to adopted ordinances and improve alignment with the timing requirements in the Washington state Growth Management Act, ((RCW)) chapter 36.70A RCW ("the GMA"), and alignment with multicounty and countywide planning activities; or
16. Amendments to the Comprehensive Plan Workplan((, only as part of the 2018 subarea planning restructure adopted by this ordinance)) to change deadlines.

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

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

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

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

3. If the executive proposes a midpoint update, the executive shall transmit to the council by the last business day in June two years before the midpoint year of the eight-year update ~~((eyele))~~ schedule a proposed motion specifying the scope of work for the midpoint update. The council shall have until September 15 of that year, to adopt a motion specifying the scope of work initiating a midpoint update, either as transmitted or amended, or as introduced or amended. If the motion is approved by September 15, the scope shall proceed as established by the approved motion. In the absence of council approval by September 15, the executive shall

proceed to implement the scope as transmitted. If such a motion is adopted, the executive shall transmit a midpoint update by the last business day of June of the following year after adoption of the motion. The council shall have until June 30 of the following year after transmittal to adopt a midpoint update.

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

E. The executive shall seek public comment on the Comprehensive Plan and any proposed Comprehensive Plan ((amendments)) update in accordance with the procedures in K.C.C. 20.18.160 before making a recommendation, which shall include publishing a public review draft of the proposed Comprehensive Plan ((amendments)) update, in addition to conducting the public review and comment procedures required by SEPA. The public shall be afforded at least one official opportunity to record public comment before the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements that shall be considered by the executive before transmittal and by the council before adoption, if they are received in a timely manner. The executive's recommendations for changes to policies, text and maps shall include the elements listed in Comprehensive

Plan policy I-207 and analysis of their financial costs and public benefits, any of which may be included in environmental review documents. Proposed amendments to the Comprehensive Plan shall be accompanied by any development regulations or amendments to development regulations, including area zoning, necessary to implement the proposed amendments.

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

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

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

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

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

B. A shoreline redesignation initiated by an applicant must include the following information in

addition to the requirements in this section:

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

C. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by executive proposal shall include the following:

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

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

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

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

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

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

I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision that should be determined before and separate from its consideration of a zone reclassification, which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 is required in order to

implement the potential zoning.

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

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

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

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

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

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

A. All site-specific land use map amendments, whether initiated by property owner application, by council motion, or by executive proposal, shall be reviewed based upon the requirements of Comprehensive



Plan policy ((~~RP-307~~)) I-207, and must meet the following additional review standards:

1. Consistency with the policies, objectives and goals of the Comprehensive Plan, ((~~the~~))including any applicable subarea plans((~~the~~)), the countywide planning policies and the state Growth Management Act;
2. Compatibility with adjacent and nearby existing and permitted land uses; and
3. Compatibility with the surrounding development pattern.

B. Site-specific land use map amendments for which recommendations have been issued by the hearing examiner by January 15 shall be submitted to the executive and the council by the hearing examiner by January 15. The department will provide for a cumulative analysis of these recommendations and such analysis will be included in the annual March transmittal. All such amendments will be considered concurrently by the council committee charged with the review of the ((~~the~~))Comprehensive ((~~the~~))Plan. Following this review, site-specific land use map amendments which are recommended by this committee will be incorporated as an attachment to the adopting ordinance transmitted by the executive for consideration by the full council. Final action by the council on these amendments will occur concurrently with the annual ((~~amendment~~)) update to the ((~~the~~))Comprehensive ((~~the~~))Plan.

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

A. Beginning in ((~~2021~~)) 2022, and every eighth year thereafter the executive shall transmit to the council by the last business day of June a proposed motion specifying the scope of work for the proposed ((~~amendments~~)) update to the Comprehensive Plan that will occur in the following year, which motion shall include the following:

1. Topical areas relating to amendments to policies, the land use map, implementing development regulations, or any combination of those amendments that the executive intends to consider for recommendation to the council; and
2. An attachment to the motion advising the council of the work program the executive intends to

follow to accomplish ((s))State Environmental Policy Act review and public participation.

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Certain development proposals are subject to additional procedural requirements beyond the

standard procedures established in this chapter.

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

E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; decisions to approve, condition or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development; a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat.
TYPE 2 <sup>1,2</sup>	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit <sup>3</sup> ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070(B); preliminary determinations under K.C.C. 20.20.030(B); decisions to approve, condition or deny alteration exceptions or variances to floodplain development regulations under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances; sea level rise risk area variance adopted in K.C.C. chapter 21A.xx (the new chapter established by section 64 of this ordinance).

TYPE 3 <sup>1</sup>	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat, plat alterations, preliminary plat revisions,
TYPE 4 <sup>1,4</sup>	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications, shoreline environment redesignation, urban planned development, special use, amendment or deletion of P suffix conditions, plat vacations, short plat vacations, deletion of special district overlay

<sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

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

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

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

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

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

A. Upon initiation of a site-specific land use map amendment to the Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing to consider the department's written recommendation and to take testimony and receive additional evidence relating to the proposed amendment. The examiner may consolidate hearings in accordance with K.C.C. 20.22.110 to the extent practicable. No later than thirty days after closing the public hearing on the site-specific land use map amendment, the examiner shall prepare a

recommendation that contains written findings and conclusions regarding whether:

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

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

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

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

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

B. The department shall use the table in subsection C. of this section and the guidelines of this section in preparing an ordinance or ordinances to convert each area zoning document to the 1993 Zoning Code, with modifications appropriate to be consistent with the ~~((e))~~ Comprehensive ~~((p))~~ Plan land use map and policies, so as to implement the ~~((e))~~ Comprehensive ~~((p))~~ Plan and convert old outright and potential ~~((zone designations))~~ zoning classifications to new ones in a consistent manner. ~~((The provisions of t))~~ This section also shall apply to conversion of the resource lands area zoning adopted pursuant to K.C.C. 20.12.390.

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

<del>RESOLUTION 25789</del> <del>ZONING MAP</del> <del>SYMBOLS</del>	<del>1993 ZONING CODE</del> <del>MAP SYMBOLS</del>	<del>ADDITIONAL CRITERIA</del>
<del>F</del>	<del>F</del>	<del>In Forest Production or Rural Areas</del>

FR	F or RA	Use zone most consistent with the ((e)) Comprehensive ((p)) Plan
A, A+10, A+35	A+10, A+35 or A+60	In Agricultural or Rural Areas Use zone most consistent with the ((e)) Comprehensive ((p)) Plan
Q-M	M	Designated Mining Sites
AR+2.5, AR+5, AR+10	RA+2.5, RA+5, RA+10 or RA+20	In Rural Areas Use zone most consistent with the ((e)) Comprehensive ((p)) Plan
GR+5, GR+2.5, G+5	UR/RA	Only in designated urban areas In areas not designated urban
G	R-1/RA	Only in designated urban areas In areas not designated urban
SE, S-C	R-1	Only in designated urban areas or Rural Towns
SR/RS15000, SR/RS19600	R-4	Only in designated urban areas or Rural Towns
SR7200, RS7200	R-6	Only in designated urban areas or Rural Towns
SR5000, RS5000	R-8	Only in designated urban areas or Rural Towns
RMHP	R-4 through R-48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RD3600, RT3600	R-12	
RM2400, RT2400	R-18	
RT, RM1800, RT1800	R-24	
RM900	O or R-48	Apply zoning closest to ((e)) Comprehensive ((p)) Plan land use designations
RM 900 P	O or R-48	According to P-suffix limitations allowing only office or residential uses
B-N, BR-N	NB or RB	
B-C, BR-C, C-G, M-L, M-P, M-H	CB or RB/RB-I	For all business zones, use zone most consistent with the ((e)) Comprehensive ((p)) Plan land use designation and actual scale of business area

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

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

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

2. If the application of the guidelines in this subsection leads the department to propose applying an outright or potential ~~((zone))~~ zoning classification from the 1993 Zoning Code that is not functionally equivalent to a classification from the old code as defined in the table in subsection C. of this section, the department shall notify the owner of the property proposed for reclassification no later than the council introduction date of the ordinance amending said property, and the property owner may request a change in the area zoning in a manner consistent with the procedures used for council review of a community plan and area zoning.

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

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

H. For area zoning documents being converted to the 1993 Zoning Code without amendments to their respective community plan maps and policies, only requests for zone changes which meet one of the following criteria shall be considered during either the department or council review process:

1. As provided in subsection E. of this section;
2. When an applicant can demonstrate that the department's proposal incorrectly implements an



adopted ((e))Comprehensive ((p))Plan map designation or policy in converting existing zoning to a new ((~~zone~~  
) zoning classification; or

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

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

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

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

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

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

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

4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or multiple zones

pursuant to the Bear Creek Community Plan, applying the equivalent zone and potential ~~((zone designations))~~ zoning classifications of the 1993 zoning code.

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

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

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

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

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

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

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

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

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

Rural Area	RA (2.5-acre, 5-acre, 10-acre or 20-acre minimum lot size)
Urban Reserve	UR
Urban Residential	R (base density in dwellings per acre)
Neighborhood Business	NB
Community Business	CB
Regional Business	RB
Office	O
Industrial	I
Regional Use	Case file number following zone's map symbol
Property-specific development standards	-P(suffix to zone's map symbol)
Special District Overlay	-SO(suffix to zone's map symbol)
Potential Zone	----- (dashed box surrounding zone's map symbol)
Interim Zone	* (asterisk adjacent to zone's map symbol)

SECTION 18. Ordinance 10870, Section 23, and K.C.C. 21A.04.020 are hereby amended to read as follows:

The purpose statements for each ~~((zone and map designation))~~ zoning classification set forth in the following sections shall be used to guide the application of the ~~((zones and designations))~~ zoning classifications to all lands in unincorporated King County. The purpose statements also shall guide interpretation and application of land use regulations within the ~~((zones and designations))~~ zoning classifications, and any changes to the range of permitted uses within each ~~((zone))~~ zoning classification through amendments to this title.

SECTION 19. Ordinance 10870, Section 28, as amended, and K.C.C. 21A.04.070 are hereby amended to read as follows:

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

~~potential urban planned development or new fully contained community, as provided in K.C.C. 21A.38.070)).~~

These purposes are accomplished by:

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

B. Use of this zone is appropriate in urban areas, rural towns or in rural city expansion areas designated by the Comprehensive Plan, when such areas do not have adequate public facilities and services or are not yet needed to accommodate planned growth, do not yet have detailed land use plans for urban uses and densities, or are designated as sites for a potential urban planned development or new fully contained communities.

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

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

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

The purpose of the property-specific development standards ~~((designation))~~ classification (-P suffix to zone's map symbol) is to indicate that conditions beyond the minimum requirements of this title have been applied to development on the property, including but not limited to increased development standards, limits on permitted uses or special conditions of approval. Property-specific development standards are adopted in either a reclassification or area zoning ordinance and are shown in a geographic information system data layer for an

individual property maintained by the department. Regardless of the form in which a property-specific development standard is adopted, the P-suffix shall be shown on the official zoning map maintained by the department and as a notation in a geographic information system data layer, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting a P-suffix standard.

SECTION 22. Ordinance 10870, Section 37, as amended, and K.C.C. 21A.04.160 are hereby amended to read as follows:

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

SECTION 23. Ordinance 10870, Section 38, as amended, and K.C.C. 21A.04.170 are hereby amended to read as follows:

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

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

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

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

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

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

Accessory living quarters: living quarters in an accessory building for the use of the occupant or persons employed on the premises, or for temporary use ~~((of))~~ by guests of the occupant. Such quarters ~~((have no kitchen))~~ do not include an area for the preparation or storage of food and are not ~~((otherwise))~~ used as a separate dwelling unit.

SECTION 26. Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015 are hereby amended as follows:

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

but not limited to:

- A. Administrative offices;
- B. Employee exercise facilities;
- C. Employee food service facilities;
- D. Incidental storage of raw materials and finished products sold or manufactured on-site;
- E. Business owner or caretaker residence;
- F. Cogeneration facilities; ~~((and))~~
- G. Ground maintenance facilities; and
- H. Consumer-scale renewable energy systems.

SECTION 27. Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020 are hereby amended as follows:

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

- A. Accessory living quarters and dwellings;
- B. Fallout or bomb shelters;
- C. Keeping household pets or operating a hobby cattery or hobby kennel;
- D. On-site rental office;
- E. Pools, private docks or piers;
- F. Antennae for private telecommunication services;
- G. Storage of yard maintenance equipment;
- H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;
- I. Greenhouses;
- J. Recreation space areas required under K.C.C. 21A.14.180 and play areas required under K.C.C. 21A.14.190; ~~((and))~~
- K. Home occupations and home industries under K.C.C. chapter 21A.30; and

L. Consumer-scale renewable energy systems.

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

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

A. Housing of agricultural workers; ~~((and))~~

B. Storage of agricultural products or equipment used on site; and

C. Consumer-scale renewable energy systems.

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

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

NEW SECTION. SECTION 30. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Firearm: a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. Firearm does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

SECTION 31. K.C.C. 21A.06.150, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.06.

SECTION 32. Ordinance 11157, Section 29, and K.C.C. 21A.06.150 are hereby amended to read as follows:

~~((Bulk))~~ Local distribution gas storage tank~~((s))~~: ~~((A))~~a tank from which illuminating, heating, or liquefied gas is distributed



by piping directly to individual users. A local distribution gas storage tank is not a fossil fuel facility.

SECTION 33. Ordinance 13319, Section 3, and K.C.C. 21A.06.197 are hereby amended to read as follows:

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

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

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

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

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

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

NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

SECTION 36. Ordinance 10870, Section 201, and K.C.C. 21A.06.805 are hereby amended to read as follows:

Non-hydro((-))electric generation facility: an establishment for the generation of electricity by nuclear reaction, burning

fossil fuels((;)) or other electricity generation methods, excluding renewable energy.

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

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

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

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

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

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

NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

SECTION 41. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are hereby amended to read as follows:

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

- A. Telephone exchanges;
- B. Water pipelines, pumping or treatment stations;
- C. Electrical substations;
- D. Water storage reservoirs or tanks;
- E. Municipal groundwater well-fields;
- F. Regional surface water flow control and water quality facilities;

G. Natural gas pipelines, gate stations and limiting stations, limited to local distribution service and excluding fossil fuel facilities;

H. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users, limited to local distribution service and excluding fossil fuel facilities;

I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor control facilities; and

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

SECTION 42. Ordinance 10870, Section 315, and K.C.C. 21A.06.1375 are hereby amended to read as follows:

Warehousing and wholesale trade: establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070 and excluding local distribution gas storage tanks. These establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423, excluding fossil fuels and fossil fuel facilities.

SECTION 43. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are hereby amended to read as follows:

A. Residential land uses.

P-Permitted Use Conditional Use Special Use		RESOURCE			RUR A	RESIDENTIAL			COMMERCIAL /INDUSTRIAL			
SIC #	SPECIFIC	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	DWELLING TYPES											
*	Single Det	P12	P2	P12	P12	P12	P12	P15				
*	Townhouse			C4	C4	P11 C12	P	P3	P3	P3	P3	
*	Apartment			C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Ho			S13		C8	P					
*	Cottage Ho					P15						
	GROUP											
*	Community Facility			C	C	P14 CP	CP	P3	P3	P3	P3	

*□	Community Facility-III						P14□	P□	P3□	P3□	P3□	P3□	
*□	Dormitory				C6□	C6□	C6□	P□					
*□	Senior/City Housing□					P4□	P4□	P□	P3□	P3□	P3□	P3□	
	ACCESS□												
*□	Residential	P7□	P7□		P7□	P7□	P7□	P7□	P7□	P7□	P7□	P7□	
*□	Home/Office	P18□	P18□		P18□	P18□	P18□	P18□	P18□	P18□	P18□	P18□	
*□	Home/Industrial	C□			C□	C□	C□						
	TEMPOR												
701□	Hotel/Motel									P□	P□	P□	
*□	Bed and Breakfast Guesthouse	P9□			P9□	P9□	P9□	P9□	P9□	P10□	P10□		
704□	Organizational Houses□						P17□				P□		

## B. Development conditions.

1. Except bed and breakfast guesthouses.
2. In the forest production district, the following conditions apply:
  - a. Site disturbance associated with development of any new residence shall be limited to three acres.

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

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

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

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

21A.14.060 and 21A.14.180.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) on a site zoned RA((:

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

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

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

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

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

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

(7) The primary dwelling unit or the accessory dwelling unit shall be occupied either by the owner of the primary dwelling unit or by an immediate family member of the owner. Immediate family members are limited to spouses, siblings, parents, grandparents, children and grandchildren, either by blood, adoption or marriage, of the owner. The accessory dwelling unit shall be converted to another permitted use or shall be removed if ((one of the)) neither dwelling unit((s ceases to be owner)) is occupied by the owner or an immediate family member; ((and))

(8) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services division, that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department ((shall)) approves any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules((-If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot nor the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone)); ((and))

(9) Accessory dwelling units ((and accessory living quarters)) are not allowed in the F zone;

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

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

b. Accessory living quarters:

(1) are limited to one per lot;

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

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

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

(5) are not allowed in the F zone.

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

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

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

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

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

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

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

b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the International Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.

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

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

12. Required before approving more than one dwelling on individual lots, except on lots in



subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection B.7. of this section.

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

14.a. Limited to domestic violence shelter facilities.

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

15. Only in the R4-R8 zones (~~((limited to))~~) subject to the following standards:

a. (~~((developments no larger than one acre;~~

~~b. not adjacent to another cottage housing development such that the total combined land area of the cottage housing developments exceeds one acre;~~

~~e. All units must be))~~ Developments shall contain only cottage housing units with no ((less)) fewer than three units ((and no more than sixteen units, provided that if)). If the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in K.C.C.

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

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

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

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

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

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

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

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

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

SECTION 44. Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060 are hereby amended to read as follows:

A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL		RESIDENTIAL		COMMERCIAL/INDUSTRIAL				
SIC#	SPECIES	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I(30)
	GOVERNMENT SERVICE												
*	Public Agency				P3/C5	P3/C5	P3/C	P3/C	P	P	P	P	P16
*	Public Agency				P27	P27	P27	P27			P		P
*	Public Agency										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P29/C28	P29/C28	P29/C28	P29/C28 and 33	P29/C28	P29/C28	P29/C28	P	P	P	P	P
*	Commute				C33/P19	C/P19	C/P19	C/P19	P	P	P	P	P35
*	Private Security Management	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor/Water Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	BUSINESS												
*	Construction				P34						P	P9	P
*	Individual Taxi									P25	P	P10	P
421	Trucking									P11	P12	P13	P
*	Warehouse/Wholesale												P
*	Self-Service							P14	P37	P	P	P	P
4221 4222 (38)	Farm Produce Refrigeration												P
*	Log/Storage		P		P26 and 33								P
47	Transportation												P39
473	Freight Air										P	P	P
472	Passenger Service									P	P	P	
48	Communication										P	P	P
482	Telegraph Communication									P	P	P	P
*	General Office								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16
7312	Outdoor Recreation										P	P17	P

735	Miscellar Rental									P17	P	P17	P	
751	Automoti Leasing									P	P		P	
752	Automoti									P20a	P20b	P21	P20a	P
*	Off-Street Lot				P32	P32		P32	P32	P32	P32	P32	P32	P32
794	Professio Teams/Pr										P	P		
873	Research Testing										P2	P2	P2	
*	Heavy Ed Repair													P
	ACCESS													
*	Commer Accessor			P	P22					P22	P22	P	P	P
*	Helistop					C23		C23	C23	C23	C23	C24	C23	C24

## B. Development conditions.

1. Except self-service storage.

2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and Educational Research, see general business service/office.

3.a. Only as a reuse of a public school facility or a surplus nonresidential facility subject to K.C.C. chapter 21A.32; or

b. only when accessory to a fire facility and the office is no greater than one thousand five hundred square feet of floor area.

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

5. New utility office locations only if there is no commercial/industrial zoning in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no feasible alternative location is possible, and provided further that this condition applies to the UR zone only if the property is located within a designated unincorporated Rural Town.

6.a. All buildings and structures shall maintain a minimum distance of twenty feet from property lines adjoining rural area and residential zones;

b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of thirty-five feet from such street;

c. No outdoor storage; and

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

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

a. holding cells;

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

c. long-term storage of stolen properties.

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

9. No outdoor storage of materials.

10. Limited to office uses.

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

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

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

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

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

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

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

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

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

f. No residential occupancy of the storage units;

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

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

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

15. Repealed.

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

17. No outdoor storage.

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

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

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

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

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

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

(3) limited to no more than ten vehicles.

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

22. Storage limited to accessory storage of commodities sold at retail on the premises or materials

used in the fabrication of commodities sold on the premises.

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

24. Allowed as accessory to an allowed use.

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

26. Limited to two acres or less.

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

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

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

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

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

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

32. Provided:

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

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

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

the off-street parking will serve.

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

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

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

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

36. Repealed.

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

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

39. Excluding fossil fuel facilities.

SECTION 45. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are hereby amended to read as follows:

A. Retail land uses.

P-Permitted Use C-Conditional Use S-Special Use	RESOURCE				RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	SIC#	SPECIFIC	F	M	RA	UR	RI-8	RI-24	NB	CB	RB	O	I (30)
*	Building Hardware	IM	P23						P2	P	P		
*	Retail Nursery and Stores	PI CI			PI CI				P	P	P		
*	Forest Products	P3 and 4	P4		P3 and 4						P		

*□	Department Stores□	□	□	□	□	□	C14a□	P14□	P5□	P□	P□	□	□
54□	Food Stores□	□	□	□	□	□	C15a□	P15□	P□	P□	P□	C□	P6□
*□	Agricultural (28)□	□	□	□	□	□	□	P25□	P25□	P25□	P25□	P25□	P25□
*□	Farmers Markets□	P24□	P24□	□	P24□	P24□	P24□	P24□	P24□	P24□	P24□	P24□	P24□
*□	Motor Vehicle Dealers□	□	□	□	□	□	□	□	□	□	P8□	□	P□
553□	Auto Supply□	□	□	□	□	□	□	□	□	P9□	P9□	□	P□
554□	Gasoline Stations□	□	□	□	□	□	□	□	P□	P□	P□	□	P□
56□	Apparel and Stores□	□	□	□	□	□	□	□	□	P□	P□	□	□
*□	Furniture and Furnishings□	□	□	□	□	□	□	□	□	P□	P□	□	□
58□	Eating and Drinking Establishments□	□	□	□	P21□	C19□	□	P20□	P20□	P10□	P□	P□	P□
*□	Remote Telephones□	□	□	□	P13□	□	□	□	□	P7□	P7□	□	□
*□	Drug Stores□	□	□	□	□	□	C15□	P15□	P□	P□	P□	C□	□
*□	Marijuana Dispensaries□	□	□	□	□	□	□	□	□	P26□	P26□	□	□
592□	Liquor Stores□	□	□	□	□	□	□	□	□	P□	P□	□	□
593□	Used Goods and Secondhand Stores□	□	□	□	□	□	□	□	□	P□	P□	□	□
*□	Sporting Goods and Related Stores□	□	□	P22□	P22□	and 29□	P22□	P22□	and 29□	P22□	P22□	and 29□	P22□
*□	Book, Stationery and Art Supplies□	□	□	□	□	□	C15a□	P15□	P□	P□	P□	□	□
*□	Jewelry Stores□	□	□	□	□	□	□	□	□	P□	P□	□	□
*□	Monuments and Graves□	□	□	□	□	□	□	□	□	P□	P□	□	□
*□	Hobby, Toy and Game Stores□	□	□	□	□	□	□	□	P□	P□	P□	□	□
*□	Photography and Electronic Equipment Stores□	□	□	□	□	□	□	□	P□	P□	P□	□	□
*□	Fabric Shops□	□	□	□	□	□	□	□	□	P□	P□	□	□
598□	Fuel Dealers□	□	□	□	□	□	□	□	□	C11□	P□	□	P□
*□	Florist Shops□	□	□	□	□	□	C15a□	P15□	P□	P□	P□	P□	□
*□	Personal Mail Stores□	□	□	□	□	□	□	□	□	P□	P□	□	□
*□	Pet Shops□	□	□	□	□	□	□	□	P□	P□	P□	□	□
*□	Bulk Retail Stores□	□	□	□	□	□	□	□	□	P□	P□	□	□
*□	Auction Houses□	□	□	□	□	□	□	□	□	□	P12□	□	P□
*□	Livestock Sales□	□	□	□	□	□	□	□	□	□	□	□	P□

## B. Development conditions.

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



area;

- b. The site area shall be at least four and one-half acres;
  - c. Sales may include locally made arts and crafts; and
  - d. Outside lighting is permitted if no off-site glare is allowed.
- 2. Only hardware stores.
- 3.a. Limited to products grown on site.
  - b. Covered sales areas shall not exceed a total area of five hundred square feet.
- 4. No permanent structures or signs.
- 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.
- 6. Limited to a maximum of five thousand square feet of gross floor area.
- 7. Off-street parking is limited to a maximum of one space per fifty square feet of tasting and retail areas.
- 8. Excluding retail sale of trucks exceeding one-ton capacity.
- 9. Only the sale of new or reconditioned automobile supplies is permitted.
- 10. Excluding SIC Industry No. 5813-Drinking Places.
- 11. No outside storage of fuel trucks and equipment.
- 12. Excluding vehicle and livestock auctions.
- 13. Permitted as part of the demonstration project authorized by K.C.C. 21A.55.110.
- 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and
  - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
- 15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and

subject to K.C.C. 21A.12.230; and

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

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

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

17. Repealed.

18. Repealed.

19. Only as:

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

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

20. Only as:

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

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

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

22. Only as an accessory use to:

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

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

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

and;

- a. limited to lumber milled on site; and
- b. the covered sales area is limited to two thousand square feet. The covered sales area does not include covered areas used to display only milled lumber.

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

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

- a. The sales area shall be limited to three hundred square feet and must be removed each evening;
- b. There must be legal parking that is easily available for customers; and
- c. The site must be in an area that is easily accessible to the public, will accommodate multiple shoppers at one time and does not infringe on neighboring properties.

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

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

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

d. Whether a new retail marijuana activity complies with this locational requirement shall be determined based on the date a conditional use permit application submitted to the department of local services,

permitting division, became or was deemed complete, and:

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

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

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

(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location.

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

current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses, except:

- (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and
- (2) the gross floor area of a nonconforming retail outlet may be increased up to the limitations in subsection B.26.a. and B.26.b. of this section.

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

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

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

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

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

(3) if more than one building permit or change of use permit application was submitted on the same date, or if no building permit or change of use permit application was submitted, then the director shall

determine compliance based on the date a complete business license application was submitted; and

(4) if a business license application was not submitted or more than one business license application was submitted, then the director shall determine compliance based on the totality of the circumstances, including, but not limited to, the date that a retail marijuana license application was submitted to the Washington state Liquor and Cannabis Board identifying the lot at issue, the date that the applicant entered into a lease or purchased the lot at issue for the purpose of retail marijuana use, and any other facts illustrating the timing of substantial investment in establishing a licensed retail marijuana use at the proposed location; and

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

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

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

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

29. Businesses selling firearms that have a storefront, have hours during which it is open for business, and post advertisements or signs observable to passersby that firearms are available for sale shall be located at least five hundred feet or more from any elementary, middle/junior high and secondary or high school properties. Businesses selling firearms in existence before June 30, 2020, shall be considered nonconforming

and may remain in their current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses.

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

A. Resource land uses.

P-Permitted Use Conditional Use Special Use		RESOURCE			RA	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC	A	F	M	RA	UR	RI-1	RI-2	NB	CB	RB	O	I
12	Coal Mining												
13	Oil and Gas												
	AGRICULTURE												
01	Growing and Crops	P	P		P	P	P						P
02	Raising Livestock Small Animals	P	P		P	P							P
*	Agricultural	P24C	P24C		P24C	P24C							
*	Agricultural Services	P25C	P25C		P26C	P26C	P26C		P27C	P27C			
*	Marijuana	P15C C22			P16C C17					P18C	P18C		P20C C21
*	Agriculture Facility	C10											
*	Agriculture special needs	P12											
*	Agriculture Digester	P13											
	FORESTRY												
08	Growing and Forest Products	P	P	P7	P	P	P						P
*	Forest Research	P	P		P	P						P2	P
	FISH AND MANAGEMENT												
0921	Hatchery/Fish (1)	P	P		P	P	C						P
0273	Aquaculture	P	P		P	P	C						P
*	Wildlife Shelter	P	P		P	P							
	MINERAL												
10,((12,))	Mineral Extraction Processing		P9C	P	C11								
2951,3271 3273	Asphalt/Concrete Mixtures and		P8C C11	P8C C11									P
	ACCESSORY												
*	Resource Access Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Work	P14			P14								

B. Development conditions.

1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Farm residences in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. Allowed in accordance with K.C.C. chapter 21A.30.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
  - a. as accessory to a primary mineral extraction use;
  - b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
  - c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.
9. Limited to mineral extraction and processing:
  - a. on a lot or group of lots under common ownership or documented legal control, which includes but is not limited to, fee simple ownership, a long-term lease or an easement;
  - b. that are located greater than one-quarter mile from an established residence; and
  - c. that do not use local access streets that abut lots developed for residential use.
10. Agriculture training facilities are allowed only as an accessory to existing agricultural uses and are subject to the following conditions:



- a. The impervious surface associated with the agriculture training facilities shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;
- b. New or the expansion of existing structures, or other site improvements, shall not be located on class 1, 2 or 3 soils;
- c. The director may require reuse of surplus structures to the maximum extent practical;
- d. The director may require the clustering of new structures with existing structures;
- e. New structures or other site improvements shall be set back a minimum distance of seventy-five feet from property lines adjoining rural area and residential zones;
- f. Bulk and design of structures shall be compatible with the architectural style of the surrounding agricultural community;
- g. New sewers shall not be extended to the site;
- h. Traffic generated shall not impede the safe and efficient movement of agricultural vehicles, nor shall it require capacity improvements to rural roads;
- i. Agriculture training facilities may be used to provide educational services to the surrounding rural/agricultural community or for community events. Property owners may be required to obtain a temporary use permit for community events in accordance with K.C.C. chapter 21A.32;
- j. Use of lodging and food service facilities shall be limited only to activities conducted in conjunction with training and education programs or community events held on site;
- k. Incidental uses, such as office and storage, shall be limited to those that directly support education and training activities or farm operations; and
- l. The King County agriculture commission shall be notified of and have an opportunity to comment upon all proposed agriculture training facilities during the permit process in accordance with K.C.C. chapter 21A.40.

11. Continuation of mineral processing and asphalt/concrete mixtures and block uses after reclamation

in accordance with an approved reclamation plan.

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

- (1) passive recreation;
- (2) training of individuals who will work at the camp;
- (3) special events for families of the campers; and
- (4) agriculture education for youth.

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

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

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

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

e. The impervious surface associated with the camp shall comprise not more than ten percent of the

allowable impervious surface permitted under K.C.C. 21A.12.040;

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

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

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

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

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

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

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

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

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

- o. The total number of persons staying overnight shall not exceed three hundred;
- p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
- q. Traffic generated by camp activities shall not impede the safe and efficient movement of agricultural vehicles nor shall it require capacity improvements to rural roads;
- r. If the site is adjacent to an arterial roadway, access to the site shall be directly onto the arterial unless the county road engineer determines that direct access is unsafe;
- s. If direct access to the site is via local access streets, transportation management measures shall be used to minimize adverse traffic impacts;
- t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and
- u. Lights to illuminate the camp or its structures shall be arranged to reflect the light away from any adjacent property.

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

- a. the digester must be included as part of a Washington state Department of Agriculture approved dairy nutrient plan;
- b. the digester must process at least seventy percent livestock manure or other agricultural organic material from farms in the vicinity, by volume;
- c. imported organic waste-derived material, such as food processing waste, may be processed in the digester for the purpose of increasing methane gas production for beneficial use, but not shall exceed thirty percent of volume processed by the digester; and

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

14. Farm worker housing. Either:

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

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

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

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

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

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

(1) Not more than:

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

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

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

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

(2) If the primary use of the site changes to a nonagricultural use, all agricultural employee

dwelling units shall be removed;

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

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

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

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

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

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

- a. Only allowed on lots of at least four and one-half acres;
- b. With a lighting plan, only if required by and that complies with K.C.C. 21A.12.220.G.;
- c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;

d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that

are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;

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

f. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet; and

g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

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

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

b. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

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

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

Maury Island;

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

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

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

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

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

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

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

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



c. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

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

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

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

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

18.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

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

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

19.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

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

20.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

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

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

entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.21. of this section.

21.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

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

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

a. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;

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

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

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

e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-55-010, combined

with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of five thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

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

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

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

- a. agricultural is the primary use of the site;
- b. the storage and processing are in accordance with best management practices included in an approved farm plan; and
- c. except for areas used for manure storage, the areas used for storage and processing do not exceed three acres and ten percent of the site.

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

- (1) limited to agricultural products and sixty percent or more of the products processed must be

grown in the Puget Sound counties. At the time of initial application, the applicant shall submit a projection of the source of products to be produced;

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

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

(b) as a permitted use, the floor area devoted to all warehousing, refrigeration, storage or other similar activities shall not exceed two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of floor area devoted to all warehouseing, storage, including refrigeration, or other similar activities in the RA zones or on farms less than thirty-five acres located in the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

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

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

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

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

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

(3) as a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of covered sales area;

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

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

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

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

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

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

d. Farm operations, including quipment repair and related facilities, except that:

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

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

(3) the size of the total repair use is limited to one percent of the farm size in the A zone, and up to one percent of the size in other zones, up to a maximum of five thousand square feet unless located within an existing farm structure, including but not limited to barns, existing as of December 31, 2003; and

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

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

25. The department may review and approve establishment of agricultural support services in accordance with the code compliance review process in K.C.C. 21A.42.300 only if:

- a. project is sited on lands that are unsuitable for direct agricultural production based on size, soil conditions or other factors and cannot be returned to productivity by drainage maintenance; and
- b. the proposed use is allowed under any Farmland Preservation Program conservation easement and zoning development standards.

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

- a. adjoins or is within six hundred sixty feet of the agricultural production district;
- b. has direct vehicular access to the agricultural production district;
- c. except for farmworker housing, does not use local access streets that abut lots developed for residential use; and
- d. has a minimum lot size of four and one-half acres.

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

- a. is outside the urban growth area,
- b. adjoins or is within six hundred sixty feet of the agricultural production district,
- c. has direct vehicular access to the agricultural production district,
- d. except for farmworker housing, does not use local access streets that abut lots developed for residential use; and

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

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

SECTION 47. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are hereby

amended to read as follows:

#### A. Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use	RESOURCE				RURAL AREA	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC USE	A	F	M	RA	UR	RI-8	RI2-48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail/Farm	S	S		S	S							
*	Work/Rel				S19	S19	S	S	S	S	S	S	
*	Public/Ag Control E		S		S	S					S		P
*	Public/Ag Training		S		S3					S3	S3	S3	C4
*	Hydroelec Generatio		C14/S		C14/S	C14/S	C14/S						
*	Non-hydro Generatio	C12/S29	C12/S29	C12/S28	C12/S29	C12/S29	C12/S29	C12/S29	C12/S29	C12/S29	C12/S29	C12/S29	C12/S29
*	Renewab Generatio	C28	C28	C	C	C	C	C	C	C	C	C	C
*	Fossil Fu												S27
*	Commun Facility/C	C6e/S	P		C6e/S	C6e/S	C6e/S	C6e/S	C6e/S	P	P	P	P
*	Earth Sta	P6b/C	P		C6a/S	C6a/S	C6a/S	C6a/S	P6b/C	P	P	P	P
((13	Oil and GS	S	C	P	S	S	S	S	S	S	S	S	C))
*	Energy/R Recovery		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recy Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer			S	S	S	S	S	S	S	S		P
*	Wastewa Facility				S	S	S	S	S	S	S	S	C
*	Municipa Productio	S	P13/S	S	S	S	S	S	S	S	S	S	S
*	Airport/E	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Authority					P25							
*	Rural Pub Infrastruc Maintena				C23								P
*	Transit B						S	S	S	S	S	S	P
*	Transit C Facility				P26		P26	P26	P26	P26	P26	P26	P26
*	School B				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 Facility												P
*	County Facility				P21								
*	Fairground				S22					S	S		S
8422	Zoo/Wild (2)		S9		S9	S	S	S		S	S		
7941	Stadium/									S			S
8221+ 8222	College/	P10	P10		P10	P10	P10	P10	P10	P	P	P	P
					C11 S18	C11 S18	C11S	C11S	C11S				
*	Zoo/Animal Facility	P16	P16		P16								

## B. Development conditions.

1. Except technical institutions. See vocational schools on general services land use table, K.C.C.

## 21A.08.050.

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

3. Except weapons armories and outdoor shooting ranges.

4. Except outdoor shooting range.

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

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

- b. Limited to one satellite dish antenna.

- c. Limited to tower consolidations.

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

8. Except racing of motorized vehicles.

9. Limited to wildlife exhibit.

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

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

12. Limited to ~~((cogeneration facilities for on-site use only))~~ gas extraction as an accessory use to a waste management process, such as wastewater treatment, landfill waste management, livestock manure and

composting processes.

13. Excluding impoundment of water using a dam.

14. Limited to facilities that comply with the following:

a. Any new diversion structure shall not:

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

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

b. There shall be no active storage;

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

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

e. Any transmission line shall be limited to a:

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

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

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

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

15. For I-zoned sites located outside the urban growth area designated by the King County

Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

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

17. The following provisions of the table apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C.

chapter 21A.27.

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

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

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

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

- a. building square footage;
- b. landscaping;
- c. parking;
- d. building height; or
- e. impervious surface.

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

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

- a. The minimum site area shall be ten acres, unless:
  - (1) the facility is a reuse of a public agency yard; or

(2) the site is separated from a county park by a street or utility right-of-way;

b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any stockpiling or grinding operations and adjacent residential zoned property;

c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any office and parking lots and adjacent residential zoned property;

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

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

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

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

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

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

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

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

permitted; and

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

24. The following accessory uses to a motor race track operation are allowed if approved as part of the special use permit:

- a. motocross;
- b. autocross;
- c. skidpad;
- d. garage;
- e. driving school; and
- f. fire station.

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

26. Transit comfort facility shall:

- a. only be located outside of the urban growth area boundary;
- b. be exempt from street setback requirements; and
- c. be no more than 200 square feet in size.

27.a. Required for all new, modified or expanded fossil fuel facilities. Modification or expansion includes, but is not limited to:

- (1) new uses or fuel types within existing facilities;
- (2) changes to the type of refining, manufacturing or processing;
- (3) changes in the methods or volumes of storage or transport of raw materials or processed

products;

- (4) changes in the location of the facilities on-site;
- (5) replacement of existing facilities;
- (6) increases in power or water demands; or

(7) increases in production capacity.

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

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

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

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

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

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

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

(6) an extensive public involvement strategy which strives to effectively engage a wide range of racial, ethnic, cultural, and socio-economic groups, including communities that are the most impacted; and

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

d. As part of permit application submittal, a greenhouse gas impact analysis shall be prepared by the applicant for all proposals for new, modified, or expanded fossil fuel facilities. The results of this analysis shall be used to identify and mitigate the impacts of such facilities.

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

(1) not be located within one thousand feet from any schools, medical care facilities, or places of

assembly that have occupancies of greater than one thousand persons;

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

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

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

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

28. Limited to uses that will not convert more than two acres of farmland or forestland, or 2.5 percent of the farmland or forestland, whichever is less.

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

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

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

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

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

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

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

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

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

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

c. As part of permit application submittal, a greenhouse gas impact analysis shall be prepared by the applicant. The results of this analysis shall be used to identify and mitigate the impacts of such facilities.

SECTION 48. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are hereby amended to read as follows:

A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARD	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 (15) (28)	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Dwelling Units (1)	0.4 du/ac (20)						6 du/ac (22) 8 du/ac (27)	9 du/ac (12) 16 du/ac (27)	12 du/ac (16) 24 du/ac (27)	18 du/ac (24) 36 du/ac (27)	27 du/ac (36) 48 du/ac (27)	36 du/ac (48) 96 du/ac (27)	72 du/ac (96) du/ac (27)
Minimum Imperviousness (%)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Front Setback (3)	5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft (14) (25)	35 ft (14) (25)	60 ft	60 ft (14)	60 ft (14)	60 ft (14)
Maximum Surface: Pavement (%) (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with



K.C.C. chapter 21A.37, or any combination of density incentive or density transfer.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4.a. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet.

b. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for recreation or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.

c. Accessory dwelling units and accessory living quarters shall not exceed base heights, except that this requirement shall not apply to accessory dwelling units constructed wholly within an existing dwelling unit.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;

c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or existing extractive operations shall have a setback from the rear property line equal to fifty percent of the lot width and a setback from the side property equal to twenty-five percent of the lot width.

b. Except for residences along a property line adjoining A, M or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-1 zone and lots under one acre shall conform to the requirements of the R-4 zone.

10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit,

conforming with K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

13. The minimum lot area does not apply to lot clustering proposals as provided in K.C.C. chapter 21A.14.

14. The base height to be used only for projects as follows:

- a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and
- b. in R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits in accordance with this title.

15. Density applies only to dwelling units and not to sleeping units.

16. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least twenty-six feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

- (1) a floodplain;
- (2) a critical aquifer recharge area;
- (3) a regionally or locally significant resource area;
- (4) existing or planned public parks or trails, or connections to such facilities;
- (5) a category type S or F aquatic area or category I or II wetland;
- (6) a steep slope; or

(7) an urban separator or wildlife habitat network designated by the Comprehensive Plan or a community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization, as determined by the director, and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.

18. See K.C.C. 21A.12.085.

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish Community Planning Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

20. This density may only be achieved on RA 2.5 zoned parcels receiving density from rural forest focus areas through a transfer of density credit pursuant to K.C.C. chapter 21A.37.

21. Base density may be exceeded, if the property is located in a designated rural city urban growth area and each proposed lot contains an occupied legal residence that predates 1959.

22. The maximum density is four dwelling units per acre for properties zoned R-4 when located in the

Rural Town of Fall City.

23. The minimum density requirement does not apply to properties located within the Rural Town of Fall City.

24. The impervious surface standards for the county fairground facility are established in the King County Fairgrounds Site Development Plan, Attachment A to Ordinance 14808 on file at the department of natural resources and parks and the department of local services, permitting division. Modifications to that standard may be allowed provided the square footage does not exceed the approved impervious surface square footage established in the King County Fairgrounds Site Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808, by more than ten percent.

25. For cottage housing developments only:

- a. The base height is ~~((eighteen))~~ twenty-five feet.
- b. Buildings have pitched roofs with a minimum slope of six and twelve may extend up to ~~((twenty-five))~~ thirty feet at the ridge of the roof.

26. Impervious surface does not include access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to locate features over which the applicant does not have control.

27. Only in accordance with K.C.C. 21A.34.040.F.1.g., ~~((and))~~ F.6. or K.C.C. 21A.37.130.A.2.

28. On a site zoned RA with a building listed on the national register of historic places, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

29. Height and setback requirements shall not apply to regional transit authority facilities.

SECTION 49. Ordinance 16267, Section 30, and K.C.C. 21A.12.250 are hereby amended to read as follows:

The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the office/outpatient clinic

use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a conditional use, subject to the following requirements:

A. The site shall be zoned R-4 through R-48;

B. The establishment shall be located within one-quarter mile of a rural town, unincorporated activity center, community business center or neighborhood business center and less than one mile from another commercial establishment;

C. The establishment shall be located in either:

1. ~~((a))~~A legally established single family dwelling in existence on or before January 1, 2008. The structure may not be expanded by more than ten percent as provided in K.C.C. ~~((21A.30.xxx))~~ 21A.32.065 for the expansion of legally established nonconforming uses; or

2. A mixed use development with one hundred percent of the dwelling units affordable to households with incomes at or below sixty percent of area median income and on-site supportive services consistent with the King County Consortium Consolidated Housing and Community Development Plan or successor plan;

D. The maximum on-site parking ratio for establishments and sites shall be ~~((2))~~ two per ~~((4000))~~ one thousand square feet and required parking shall not be located between the building and the street; and

E. Sign and landscaping standards for the use apply.

SECTION 50. Ordinance 15032, Section 18, as amended, and K.C.C. 21A.14.025 are hereby amended to read as follows:

For cottage housing developments in the R4-R8 zones:

A. The total area of the common open space must be at least two hundred and fifty square feet per unit and at least fifty percent of the units must be clustered around the common space.

B. The total floor area of each unit, ~~((including))~~ except for two hundred and fifty square feet of any enclosed parking, is limited to one thousand two hundred square feet. The footprint of each unit, including any enclosed parking, is limited to nine hundred square feet. A front or wraparound porch of up to one hundred

square feet is permitted and is not to be included in the floor area or footprint calculation.

C. Fences within the cottage housing unit development are limited to three feet in height. Fences along the perimeter of the cottage housing development are limited to six feet.

D. Individual cottage housing units must be at least ten feet apart.

E. Each dwelling unit that abuts common open space shall have either a primary entry or a covered porch, or both, oriented to the common open space.

F. Each dwelling unit within forty feet of a public right-of-way, not including alleys, shall have a facade oriented to the public right-of-way that includes a porch, an entrance or a bay window that projects a minimum of six inches and is a minimum of four feet in width. If a dwelling unit is within forty feet of more than one public right-of-way, the department shall determine which right-of-way towards which the facade elements shall be oriented. Materials used on this facade shall wrap the corners of the unit.

SECTION 51. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are hereby amended to read as follows:

A. Except as modified in K.C.C. 21A.18.070.B., off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of non-public areas. Non-public areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit

Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
Cottage housing	1.0 per dwelling unit
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	



Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	0.9 per 1,000 square feet of area used for studios
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas

Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080.A):</b>	
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
<b>RESOURCES (K.C.C. 21A.08.090.A):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100.A):</b>	
Regional uses	(director)

B. An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to fifty percent of the minimum required number of spaces.

C. When the county has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the ~~((zone designation))~~ zoning classification and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the director will establish the amount of parking based on a likely range of uses.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every twelve spaces required for motor vehicles except as follows:

a. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

- (1) Park/playfield,
- (2) Marina,
- (3) Library/museum/arboretum,
- (4) Elementary/secondary school,
- (5) Sports club, or
- (6) Retail business (when located along a developed bicycle trail or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than ten people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

SECTION 52. Ordinance 10870, Section 413, as amended, and K.C.C. 21A.18.090 are hereby amended to read as follows:

A. All land uses listed in K.C.C. 21A.08.060\_A\_ (Government/Business Services), and in K.C.C. 21A.08.080\_A\_ (Manufacturing), hospitals, high schools, vocational schools, universities and specialized instruction schools shall be required to reserve one parking space of every ((20)) twenty required spaces for rideshare parking as follows:

1. The parking spaces shall be located closer to the primary employee entrance than any other employee parking except disabled;

2. Reserved areas shall have markings and signs indicating that the space is reserved; and

3. Parking in reserved areas shall be limited to vanpools and carpools established through ride share programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer((;)).

B. The director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within ((660)) six hundred sixty feet of the site. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 - 9:00((AM)) a.m. and 4:00 - 6:00((PM)) p.m. each business day up to a maximum reduction as follows:

1. Four percent for each run serving land uses in K.C.C. 21A.08.060\_A\_ (Government/Business Services) and K.C.C. 21A.08.080\_A\_ (Manufacturing) up to a maximum of forty percent; ((and))

2. Two percent for each run serving land uses in K.C.C. 21A.08.040\_A\_ (Recreation/Culture), 21A.08.050\_A\_ (General Services) and 21A.08.060\_A\_ (Retail/Wholesale) up to a maximum of twenty percent; and

3. When served by transit runs scheduled every fifteen minutes or less, cottage housing sites shall have no required parking minimum.

C. All uses which are located on an existing transit route and are required under the computation for required off-street parking spaces in K.C.C. 21A.18.030\_A\_ to provide more than ((200)) two hundred parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses ((which)) that reduce required parking under subsection B\_ of this section shall provide transit shelters if transit routes adjoin the site.

SECTION 53. Ordinance 10870, Section 435, and K.C.C. 21A.20.150 are hereby amended to read as follows:

A. In the event that a billboard owner elects to relocate CB zoned billboards outside of the CB zone, the CB ((zone designation)) zoning classification shall be removed and that permit may not later be used to relocate a billboard in the CB zone.

B. Billboards may be relocated only within the zone district identified on the valid billboard permit, except the number of billboards permitted within non-CB zone district may increase only as a result of billboard relocation from within the CB zone district.

SECTION 54. Ordinance 10870, Section 439, as amended, and K.C.C. 21A.22.010 are hereby amended to read as follows:

The purpose of this chapter is to establish standards that minimize the impacts of mineral extraction ((~~and~~)) or processing, coal mining, materials processing ((operations)) facilities and fossil fuel facilities upon surrounding properties by:

- A. Ensuring adequate review of operating aspects of mineral extraction ((~~and~~)) or processing, coal mining, materials processing facility and fossil fuel facility sites;
- B. Requiring project phasing on large sites to minimize environmental impacts;
- C. Requiring minimum site areas large enough to provide setbacks and mitigations necessary to protect environmental quality; and
- D. Requiring periodic review of mineral extraction ((~~and~~)) or processing, coal mining, materials processing ((operations)) facilities and fossil fuel facilities to ensure compliance with the approved operating standards.

SECTION 55. Ordinance 10870, Section 440, as amended, and K.C.C. 21A.22.020 are hereby amended to read as follows:

This chapter shall only apply to the following uses or activities ((~~that are~~)):

- A. ((~~m~~)) Mineral extraction or processing, or both, and including SIC 10 and 14;
- B. Coal mining, including SIC 12;
- C. ((~~m~~)) Materials processing ((operations)) facilities; and
- D. Fossil fuel facilities.

SECTION 56. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are hereby amended to read as

follows:

~~((Extractive))~~ Mineral extraction or processing operations, coal mine operations and materials processing facility operations shall commence only after issuance of a grading permit by the county.

SECTION 57. Ordinance 15032, Section 26, as amended, and K.C.C. 21A.22.035 are hereby amended to read as follows:

A. Not later than thirty days after the department provides the notice of application to the public required by K.C.C.

20.20.060 ~~((on))~~ for a ((mineral extraction or materials processing site)) use regulated under this chapter, or for an expansion of an existing ~~((mineral extraction or materials processing site or operation))~~ use regulated under this chapter beyond the scope of the prior environmental review, the applicant shall hold a community meeting. The notice of application shall include notification of the date, time and location of the community meeting. At the meeting, the applicant shall provide information relative the proposal, including information on existing residences and lot patterns within one-quarter mile of potential sites and on alternative haul routes. The applicant shall also provide a preliminary evaluation at the meeting of any alternative routes that have been provided to the applicant in writing at least five days in advance of the meeting. The applicant shall provide to the department within fourteen days after the community meeting a written list of meeting attendees and documentation of the meeting.

B. Public notice of the community meeting required by this section shall be prepared, posted and distributed in accordance with K.C.C. 20.20.060 at least two weeks before the community meeting. In addition, the department shall:

1. Publish a notice of the meeting in a local newspaper of general circulation in the affected area;
2. Mail the notice of the meeting to all property owners within one-quarter mile of the proposed or expanded site or to at least twenty of the property owners nearest to the site, whichever is greater; and
3. Mail the notice of the meeting to all property owners within five hundred feet of any proposed haul route from the site to the nearest arterial.

SECTION 58. Ordinance 10870, Section 442, as amended, and K.C.C. 21A.22.040 are hereby amended to read as follows:

To the maximum extent practicable, nonconforming ~~((mineral extraction operations))~~ uses regulated under this chapter shall be brought into conformance with the operating conditions and performance standards of this chapter during permit renewal. The department shall establish a schedule for conformance during the first periodic review of the nonconforming ~~((mineral extraction))~~ operation or facility and incorporate~~((d))~~ such a schedule into the permit conditions.

SECTION 59. Ordinance 10870, Section 443, as amended, and K.C.C. 21A.22.050 are hereby amended to read as follows:

A. In addition to the review conducted as part of the annual renewal of a mineral extraction or processing operating permit, coal mine permit or materials processing facility permit, the department shall conduct a periodic review of mineral extraction ~~((and))~~ or processing, coal mine, materials processing ((operation)) facility or fossil fuel facility site design and operating standards at five-

year intervals from the date of issuance of the permit.

B. The periodic review is a Type 2 land use decision.

C. The periodic review shall ~~((determine))~~:

1. Determine ~~((W))~~ whether the site is operating consistent with all existing permit conditions and, if not, establish corrective actions; and

2. ~~((That))~~ Apply the most current site design and operating standards ~~((are applied))~~ to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts.

SECTION 60. Ordinance 10870, Section 444, as amended, and K.C.C. 21A.22.060 are hereby amended to read as follows:

Except as otherwise provided ~~((for nonconforming mineral extraction operations))~~ in K.C.C. 21A.22.040, in addition to requirements in this title, all ~~((mineral extraction and materials processing operations))~~ uses regulated under this chapter shall comply with the following standards:

A. The minimum site area ~~((of a mineral extraction or materials processing operation))~~ shall be ten acres;

B. ~~((Mineral extraction or materials processing operations))~~ On sites larger than twenty acres, activities shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process;

C. If the department determines they are necessary to eliminate a safety hazard, fences or alternatives to fences ~~((approved by the department;))~~ shall be:

1. Provided in a manner that discourages access to areas of the site where:

- a. active extracting, processing, stockpiling and loading of materials is occurring;
- b. boundaries are in common with residential or commercial zone property or public lands; or
- c. any unstable slope or any slope exceeding a grade of forty percent is present;

2. At least six feet in height above the grade measured at a point five feet outside the fence and the fence material shall have no opening larger than two inches;

3. Installed with lockable gates at all openings or entrances;

4. No more than four inches from the ground to fence bottom; and

5. Maintained in good repair;

D. Warning and trespass signs advising of the ~~((mineral extraction or materials processing operation))~~ use shall be placed on the perimeter of the site adjacent to RA, UR or R zones at intervals no greater than two hundred feet along any unfenced portion of the site where the items noted in subsection C.1.~~((a. through e.))~~ of this section are present;

E. Structural setbacks from property lines shall be as follows:

1. Buildings, structures and stockpiles used in the processing of materials shall be no closer than:

- a. one hundred feet from any residential zoned properties except that the setback may be reduced to fifty feet when the grade where such building or structures are proposed is fifty feet or greater below the grade of the residential zoned property;
- b. fifty feet from any other zoned property, except when adjacent to another ~~((mineral extraction or materials processing site))~~ use regulated under this chapter;
- c. the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and

2. Offices, scale facilities, equipment storage buildings and stockpiles, including those for reclamation, shall not be closer than fifty feet from any property line except when adjacent to another ~~((mineral extraction or materials processing site))~~ use regulated under this chapter or M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

F. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction or activities in accordance with an approved reclamation plan, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to another ~~((mineral extraction or materials processing operation))~~ use regulated under this chapter or M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted;

G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except using only plantings native to the surrounding area, shall be provided along any portion of the site perimeter where site disturbances ~~((such as site clearing and grading, or mineral extraction or materials processing is))~~ associated with a use regulated under this chapter are performed, except where adjacent to another ~~((mineral extraction, materials processing or))~~ use regulated under this chapter, forestry operation or M or F-zoned property;

H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82 shall be applied; and

I. Lighting shall:

1. Be limited to that required for security, lighting of structures and equipment, and vehicle operations; and
2. Not directly glare onto surrounding properties.

SECTION 61. Ordinance 10870, Section 445, as amended, and K.C.C. 21A.22.070 are hereby amended to read as follows:

Operating conditions and performance standards for all clearing and grading activity for a use regulated under this chapter shall be as specified in K.C.C. chapter 16.82 except:

A.1. Noise levels ~~((produced by a mineral extraction or materials processing operation))~~ shall not exceed levels specified by



K.C.C. chapter 12.86;

2. Hours of operation (~~((for mineral extraction and materials processing facilities))~~), unless otherwise specified by the director, shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and holidays;

3. Before approving any variation of the hours of operation, the department shall:

a. determine whether on-site operations can comply with nighttime noise standards in accordance with K.C.C. 12.86.110, and K.C.C. 12.86.120;

b. determine whether the variance would cause significant adverse noise impacts to the community in accordance with standards and methodologies developed by the Federal Transit Administration, Federal Highway Administration or World Health Organization, or any combination thereof, for evaluating noise impacts, or other comparable standards and methods; and

c. require mitigation for any identified impacts before the department approves a variation in the hours of operation; and

4. The director's decision to approve a variation in the hours of operation shall be in writing and shall include a specific finding of compliance with the noise standards, the facts and conclusions supporting that finding and any mitigation, conditions or limitations imposed. All decisions made under this subsection shall be compiled by the department and made available for public inspection;

B. Blasting shall be conducted under an approved blasting plan:

1. Consistent with the methods specified in the Office of Surface Mining Enforcement and Reclamation 1987 Blasting Guidance Manual in a manner that protects from damage all structures, excluding those owned and directly used by the operator, and persons in the vicinity of the blasting area, including, but not limited to, adherence to the following:

a. Airblast levels shall not exceed one hundred thirty-three decibels measured by a two Hz or lower flat response system at the nearest residential property or place of public assembly;

b. Flyrock shall not be cast one-half the distance to the nearest residential property, place of public assembly or the property boundary, whichever is less. For the purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior to any enclosed structure, at ground surface, which separates the property of one or more persons from that owned by others, and its vertical extension; and

c. Ground motion shall not exceed ground vibration levels damaging to structures using one of the four accepted methods in the Office of Surface Mining Enforcement and Reclamation 1987 Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule, provided to residents within one-half mile of the site, that features regular or predictable

times, except in the case of an emergency. If requested by a resident, the operator shall provide notice of changes in the time schedule at least twenty four hours before the changes take effect;

C.1. Dust and smoke (~~((produced by mineral extraction and materials processing operations))~~) shall be controlled by best management practices to comply with relevant regulations of the Puget Sound Clean Air Agency.

2. Dust and smoke (~~((from process facilities))~~) shall be controlled in accordance with a valid operating permit from the Puget Sound Clean Air Agency, when required. Copies of the permit shall be kept onsite and available for department and public inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be provided to the department on permit monitoring data submittal dates.

3. Dust and smoke (~~((from process facilities))~~) shall not significantly increase the existing levels of suspended particulates at the perimeter of the site;

D. The applicant shall prevent rocks, dirt, mud and any raw or processed material from spilling from or being tracked by trucks onto public roadways and shall be responsible for cleaning debris or repairing damage to roadways caused by the operation;

E. The applicant shall provide traffic control measures such as flaggers or warning signs as determined by the department during all hours of operation;

F. The operator shall control surface water and site discharges to comply with K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the stormwater pollution prevention manual. For the life of the (~~((mineral resource))~~) operation and until site reclamation is complete, the operator shall maintain a valid Washington state Department of Ecology National Pollutant Discharge Elimination System individual permit or maintain coverage under the sand and gravel general permit. The operator shall keep onsite and available for department review copies of the erosion and sediment control plan, the applicable National Pollution Discharge Elimination System individual or general permit and the Stormwater Pollution Prevention Plan. The operator shall make the plans and permit available for public inspection upon request. The operator shall provide to the department copies of the monitoring results on permit monitoring data submittal dates. The department shall make the monitoring results available for public inspection. If the department determines that National Pollution Discharge Elimination System monitoring frequency or type is not adequate to meet the demands of the site and the requirements of this subsection, the department may require more frequent and detailed monitoring and may require a program designed to bring the site into compliance;

G. The operator shall not excavate below the contours determined through hydrologic studies necessary to protect groundwater and the upper surface of the saturated groundwater that could be used for potable water supply;

H. If contamination of surface or ground water by herbicides is possible, to the maximum extent practicable, mechanical means shall be used to control noxious weeds on the site;

I. Upon depletion of ((~~mineral~~)) resources or abandonment of the site, the operator shall remove all structures, equipment and appurtenances accessory to operations; and

J. If the operator fails to comply with this section, the department shall require modifications to operations, procedures or equipment until compliance is demonstrated to the satisfaction of the department. If the modifications are inconsistent with the approved permit conditions, the department shall revise the permit accordingly.

SECTION 62. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081 are hereby amended to read as follows:

A. A valid clearing and grading permit shall be maintained on a mineral extraction or coal mine site until the reclamation of the site required under chapter 78.44 RCW is completed.

B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be submitted before the effective date of a zone reclassification in Mineral-zoned properties or the acceptance of any development proposal for a subsequent use in Forest-zoned properties. The zone reclassification shall grant potential zoning that is only to be actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of all requirements of the reclamation plan. Development proposals in the Forest zone for uses subsequent to mineral extraction or coal mine operations shall not be approved until demonstration of successful completion of all requirements of the reclamation plan except that forestry activities may be permitted on portions of the site already fully reclaimed.

C. Mineral extraction and coal mine operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following requirements:

1. Upon the exhaustion of minerals or materials or upon the permanent abandonment of the quarrying or mining operation, all nonconforming buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation shall be removed or otherwise dismantled to the satisfaction of the director;

2. Final grades shall:

a. be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential ((~~zone~~)) zoning classification; and

b. result in drainage patterns that reestablish natural conditions of water velocity, volume, and turbidity within six months of reclamation and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not possible or where necessary to control erosion. All constructed drainage systems shall be designed consistent with the Surface Water Design Manual;

3. All areas subject to grading or backfilling shall:

a. incorporate only nonnoxious, nonflammable, noncombustible and nonputrescible solids; and

b. except for roads and areas incorporated into drainage facilities, be surfaced with soil of a quality at least equal to the

topsoil of the land areas immediately surrounding, and to a depth of the topsoil of land area immediately surrounding six inches, whichever is greater. The topsoil layer shall have an organic matter content of eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be tilled or scarified before topsoil placement;

4. All reclaimed slopes shall comprise an irregular sinuous appearance in both profile and plan view and blend with adjacent topography to a reasonable extent;

5. Where excavation has penetrated the seasonal or permanent water table creating a water body or wetland:

a. All side slopes below the permanent water table and banks shall be graded or shaped as to not constitute a safety hazard;

b. Natural features and plantings to provide beneficial wetland functions and promote wildlife habitat shall be provided; and

c. Appropriate drainage controls shall be provided to stabilize the water level and not create potential flooding hazards;

6. All cleared, graded or backfilled areas, including areas surfaced with topsoil, shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the surrounding area and appropriate for the soil, moisture and exposure conditions;

7. Waste or soil piles shall be used for grading, backfilling or surfacing if permissible under this section, then covered with topsoil and planted in accordance with subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill in accordance with this chapter or as top soil in accordance with subsection C.3. of this section shall be removed from the site; and

8. Where excavation has exposed natural materials that may create polluting conditions, including, but not limited to, acid-forming coals and metalliferous rock or soil, such conditions shall be addressed to the satisfaction of the department. The final ground surface shall be graded so that surface water drains away from any such materials remaining on the site.

D. The department may modify any requirement of this section when not applicable or if it conflicts with an approved subsequent use for the site.

SECTION 63. Ordinance 15032, Section 34, and K.C.C. 21A.22.085 are hereby amended to read as follows:

The applicant shall mitigate adverse impacts resulting from the ~~((extraction or processing operations))~~ use regulated under this chapter and monitor to demonstrate compliance with this chapter.

SECTION 64. Sections 65 and 66 of this ordinance should constitute a new chapter in K.C.C. Title 21A.

NEW SECTION. SECTION 65. Within the sea level rise risk area the following standards apply:

A. All new, substantially improved, or converted residential or nonresidential buildings shall be

elevated on pilings and columns in a manner consistent with applicable floodplain development standards in this title, K.C.C. Title 16, the Federal Emergency Management Agency Coastal Construction Manual and other applicable requirements, and in a manner that provides the following, at a minimum:

1. The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the sea level rise protection elevation;
2. The pile or column foundation and building attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of flood water, wind and other loads as prescribed in this title acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year; and
3. All building utilities are elevated to or above the flood protection elevation.

B. A registered professional engineer licensed by the state of Washington shall prepare the structural design, specifications and plans for the building, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsection A. of this section, including applicable floodplain development standards in this title, K.C.C. Title 16, the Federal Emergency Management Agency Coastal Construction Manual and other applicable requirements;

C. The applicant shall provide a complete Federal Emergency Management Agency elevation certificate on the most current version of the form completed by a land surveyor licensed by the state of Washington documenting the elevation of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved buildings and additions affixed to the side of a building. The elevation certificate should note whether or not the buildings contain a basement. The department shall maintain the Federal Emergency Management Agency elevation certificates required by this section for public inspection and for certification under the National Flood Insurance Program;

D. All new buildings and substantial improvements to existing buildings shall maintain the space below the lowest floor free of obstruction. Breakaway walls are prohibited. The space can include nonsupporting

open wood lattice-work or insect screening that is intended to collapse under wind and wave loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. The space below the lowest floor can be used only for parking of vehicles, building access or limited storage of readily removable items. The space shall not be used for human habitation;

E. Fill for structural support of buildings is prohibited;

F. All manufactured homes to be placed or substantially improved within the sea level rise risk area shall meet the standards in subsections A. through E. of this section; and

G. The department shall provide notice to all applicants for new development or redevelopment located within the sea level rise risk area that the development may be impacted by sea level rise and recommend that the applicant voluntarily consider setting the development back further than required by this title to allow for future sea level rise.

NEW SECTION. SECTION 66.

A. The director may approve sea level rise risk area variances to this chapter. In reviewing and evaluating sea level rise risk area variance applications, the director shall consider all technical evaluations and relevant factors, including, but not limited to:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to coastal flooding or erosion damage;
3. The susceptibility of the proposed building or facility and its contents to flood damage and the effect of the damage on the individual owner;
4. The importance of the services provided by the proposed building or facility to the community;
5. The necessity to the building or facility of a waterfront location;
6. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
7. The potential of the proposed development to create an adverse effect on a federally or state-protected species or habitat;
8. The compatibility of the proposed use with existing and anticipated development;
9. The relationship of the proposed use to the Comprehensive Plan, shoreline master program and flood hazard management plan;
10. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
11. The expected heights, velocity, duration, rate of rise, sediment transport of the floodwaters and effects of wave action expected at the site;
12. The costs of providing governmental services during and after flood conditions, including emergency management

services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges; and

13. Current and future risks from sea level rise conditions anticipated to occur over the next fifty years.

B. The director may only approve a sea level rise risk area variance upon a determination that:

1. Failure to grant the sea level rise risk area variance would result in an exceptional hardship to the applicant;

2. The granting of a sea level rise risk area variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances; and

3. The sea level rise risk area variance is the minimum necessary, considering the flood or erosion hazard, to afford relief.

C. An applicant for sea level rise risk area variance shall be given a written notice that the approval of the sea level rise risk area variance to construct a structure below the sea level rise protection elevation established in this chapter in may result in higher future flood insurance premium rates up to amounts as high as twenty-five dollars per one hundred dollars of coverage and that the construction below the sea level rise protection elevation increases risks to life and property.

D.1. An application for a sea level rise risk area variance shall be submitted in writing to the department of local services, permitting division, together with any supporting documentation that demonstrates how the proposal meets the criteria in this section.

2. An application for a sea level rise risk area variance under this section shall be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

3. Sea level rise risk area variances that allow the establishment of a use not otherwise permitted in the zone where the proposal is located shall not be permitted.

4. The variance standards in K.C.C. 21A.44.030 and the alteration exception standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk area regulations of this chapter.

5. The department shall maintain in perpetuity a record of all requests for variances, including justification for their issuance.

SECTION 67. Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are hereby amended to read as follows:

A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during review of an application for a single detached dwelling unit, the director may approve an alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated buffer, landslide hazard area and associated buffer and critical area setback as follows:

1. There is no feasible alternative to the development proposal with less adverse impact on the critical area;

2. The alteration is the minimum necessary to accommodate residential use of the property;

3. The approval does not require the modification of a critical area development standard established by this chapter;

4. The development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

5. No more than five thousand square feet or ten percent of the site, whichever is greater, are disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. For purposes of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area;

6. The applicant submits an approved rural stewardship plan or forest stewardship plan prepared in accordance with this chapter that addresses the development proposal and the proposed use of the property; and

7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

B. The applicant for the waiver of the alteration exception process shall submit any critical areas studies, alternatives analysis and other documents requested by the department following a preapplication review meeting.

C. Within fourteen calendar days after the department determines the application under this section is complete, it shall provide written mailed notice of the proposed alteration as provided in K.C.C. (~~(20.20.080.H)~~) 20.20.060.H.

D. The department shall allow twenty-one calendar days for comment before making a decision on the request under this section. The department's decision shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for the decision and, if approved, shall include any required mitigation or conditions.

SECTION 68. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. Except as provided in subsection D. of this section, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a steep slope hazard area;

B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a critical area report prepared by a geotechnical engineer or geologist. The department of local services shall adopt a public rule to implement this subsection, including implementing the requirements for development and review of a critical area report.

1. For new structures and substantial improvements to existing structures on sites where any portion of the steep slope hazard area extends into the coastal high hazard area or sea level rise risk area:

~~((H-a))~~ a. The critical area report shall include an assessment of current and future risks of sea level rise conditions



anticipated to occur over the next fifty years and a recommended buffer;

b. If a critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet;

2. For all other development not identified in subsection B.1.:

a. If a critical area report is not submitted to the department, the minimum buffer ((is)) shall be fifty feet((-)); and

b. For building permits for single detached dwelling units only, the department may waive the special study requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the critical area; ((and))

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; and

D. All alterations are allowed in the following circumstance:

1. Slopes which are forty percent or steeper with a vertical elevation change of up to twenty feet if no adverse impact will result from the exemption based on King County's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and

2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent or steeper following site development shall be subject to all requirements for steep slopes.

SECTION 69. Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area:

1. Transmission pipelines carrying petroleum or petroleum products;

2. Sand and gravel, and hard rock mining unless:

a. the site has mineral zoning as of January 1, 2005; or

b. mining is a permitted use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;

3. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;

4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

5. Hydrocarbon extraction;

6. Commercial wood treatment facilities on permeable surfaces;

7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C. Title 17;

8. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

9. Golf courses;

10. Cemeteries;

11. Wrecking yards;

12. Landfills for hazardous waste, municipal solid waste or special waste, as defined in K.C.C. chapter 10.04; and

13. On lots smaller than one acre, an on-site septic system, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington State Department of Health as meeting treatment standard N as provided in WAC chapter 426-((172A))272A; or

b. the Seattle-King County department of public health determines that the systems required under subsection A.13.a. of this section will not function on the site.

B. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category II critical aquifer recharge area:

1. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;

2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

5.a. Except for a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater, underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17; and

b. For a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the standards in chapter 173-360 WAC and K.C.C. Title 17;

6. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

7. Wrecking yards;

8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

9. On lots smaller than one acre, an on-site septic systems, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in WAC chapter 426-~~((172A))272A~~; or

b. the Seattle-King County department of public health determines that the systems required under subsection B.9.a. of this section will not function on the site.

C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area:

1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

2. Hydrocarbon extraction;

3. Commercial wood treatment facilities located on permeable surfaces;

4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;

5. Above ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

6. Wrecking yards; and

7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area:

1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~ Vashon-Maury Island shall either bring the tank into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying ~~((an island that is surrounded by saltwater))~~ Vashon-Maury Island shall bring the tank into compliance with the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within the urban growth area, a development proposal for new

residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the King County Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. ~~((On an island surround by saltwater,))~~ For critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are permitted within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single family residence if the requirements of K.C.C. 13.04.070 are met;

2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3. ~~((t))~~ The owner of a new well located within ((two hundred feet of the ordinary high water mark of the marine shoreline and within a critical aquifer recharge area)) the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health. The owner shall report the results of the test to Seattle-King County department of public health and to the department of natural resources and parks. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with Seattle-King County department of public health, shall recommend appropriate measures in addition to the minimum requirements of this title to prevent saltwater intrusion.

H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B. and C. of this section if the applicant demonstrates through a critical area((s)) report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will not cause a significant adverse environmental impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks has been submitted to and approved by the Washington state department of ecology, in accordance with 90.76.040 RCW and WAC 173-360-530.

**SECTION 70.** Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are hereby amended to read as follows:

A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows:

1. The buffers shown on the following table apply unless modified in accordance with subsections B., C., D. and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			
Wetlands of High Conservation Value	250 feet	190 feet	125 feet

Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Forested	Buffer width to be based on score for habitat quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category II</b>			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category III</b>			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
<b>Category IV</b>	50 feet	40 feet	25 feet

2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:

a. High impact includes:

- (1) sites zoned commercial or industrial;
- (2) commercial, institutional or industrial use on a site regardless of the zoning ~~((designation))~~

classification;

- (3) nonresidential use on a site zoned for residential use;
- (4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ball

fields and similar use;

(5) all sites within the Urban Growth Area; or

(6) Residential zoning greater than one dwelling unit per acre;

b. Moderate impact includes:

(1) residential uses on sites zoned residential one dwelling unit per acre or less;

(2) residential use on a site zoned rural area, agriculture or forestry;

(3) agricultural uses without an approved farm management plan;

(4) utility corridors or right-of-way shared by several utilities, including maintenance roads; or

(5) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging and similar use; and

c. Low impact includes:

(1) forestry use on a site regardless of zoning (~~((designation))~~) classification;

(2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, on a site regardless of zoning;

(3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C. 21A.24.045.D.54.; or

(4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. The department may approve a modification of the minimum buffer width required by this section by averaging the buffer width if:

1. The department determines that:

a. the buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area; or

b. averaging includes the corridors of a wetland complex; and

2. The resulting buffer meets the following standards:

- a. the total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging;
- b. the additional buffer is contiguous with the standard buffer;
- c. the buffer at its narrowest point is never less than either seventy-five percent of the required width or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater;
- d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by a critical area((s)) report from a qualified wetland professional; and
- e. the buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical area((s)) report from a qualified wetland professional.

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

- 1. For wetlands containing documented habitat for endangered, threatened or species of local importance, the following shall apply:
  - a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and
  - b. the department may apply the buffer reduction rules in subsection C.6. of this section and the buffer averaging rules in subsection B. of this section;
- 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the buffer width is the greater of the buffer width required by the wetland's category in this section or the top of the hazard area;
- 3. For a wetland complex located outside the Urban Growth Area established by the King County Comprehensive Plan or located within the Urban Growth Area in a basin designated as "high" on the Basin and

Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer width is determined as follows:

- a. the buffer width for each individual wetland in the complex is the same width as the buffer width required for the category of wetland;
- b. if the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:
  - (1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding;
  - (2) the corridor minimizes fragmentation of the wetlands;
  - (3) higher category wetlands are connected through corridors before lower category wetlands; and
  - (4) the corridor width is a least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and
  - (5) shorter corridors are preferred over longer corridors;
- c. wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;
- d. the department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding; and
- e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements as wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement through the corridor;



4. Where a legally established roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if the part of the buffer on the other side of the roadway sought to be reduced:

- a. does not provide additional protection of the proposed development or the wetland; and
- b. provides insignificant biological, geological or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland;

5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and

6. The buffer widths required for proposed land uses with high intensity impacts to wetlands can be reduced to those required for moderate intensity impacts under the following conditions:

- a. For wetlands that score moderate or high for habitat, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:

(1) A relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list. The corridor must be protected for the entire distance between the wetland and the priority habitat and legally recorded via a conservation easement; and

(2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and

- b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows:

Disturbance	Measures to minimize impacts
Lights	Direct lights away from wetland.

Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.

D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions.

SECTION 71. Ordinance 3688, Section 303, as amended, and K.C.C. 21A.25.050 are hereby amended to read as follows:

A. The requirements of the shoreline master program apply to all uses and development occurring within the shoreline jurisdiction. The King County shoreline jurisdiction consists of shorelines, shorelines of statewide significance, and shorelands as defined in RCW 90.58.030 and K.C.C. chapter 21A.06, and the one-hundred-year floodplain.

B. The shoreline jurisdiction does not include tribal reservation lands and lands held in trust by the federal government for tribes. Nothing in the King County shoreline master program or action taken under that program shall affect any treaty right to which the United States is a party.

C. The lakes and segments of rivers and streams constituting the King County shoreline jurisdiction are set forth in Attachment ((K)) H to ((Ordinance 17485)) this ordinance. The King County shoreline jurisdiction is shown on a map adopted in chapter 6 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in subsection A. of this section, the criteria shall constitute the official King County shoreline jurisdiction. The county shall update the shoreline master program to reflect the new designation within three years of the discovery of the discrepancy.

SECTION 72. Ordinance 10870, Section 522, and K.C.C. 21A.28.120 are hereby amended to read as follows:

All new development shall be served by adequate vehicular access as follows:

A. The property upon which the development proposed is to be located has direct access to:

1. A public or private street that meets county road standards or is formally declared acceptable by the county road engineer; or

2. The property has access to such a street over a private driveway approved by the county;

B. The proposed circulation system of a proposed subdivision, short subdivision or binding site plan shall intersect with existing and anticipated streets abutting the site at safe and convenient locations, as determined by the department and the county road engineer. Proposals for subdivisions or binding site plans resulting in thirty or more lots and a single vehicular entry point should consider provisions for secondary emergency vehicle access; and

C. Every lot upon which one or more buildings is proposed to be erected or traffic generating use is proposed to be established, shall establish safe access as follows:

1. Safe passage from the street right-of-way to building entrances for transit patrons and other pedestrians, in accordance with the design standards set forth in K.C.C. chapter 21A.18;

2. Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services in accordance with adopted standards (e.g. fire protection, emergency

medical service, mail delivery or trash collection); and

3. Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by King County, to all required off-street parking spaces on the premises.

SECTION 73. Ordinance 10870, Section 539, as amended, and K.C.C. 21A.32.020 are hereby amended to read as follows:

A. ~~((With the exception of))~~ This chapter shall apply to all nonconformances, except:

1. ~~((n))Nonconforming ((extractive)) operations ((identified in)) regulated by K.C.C. chapter 21A.22((, all nonconformances shall be subject to the provisions of this chapter)); and~~

2. Fossil fuel facilities regulated by K.C.C. 21A.08.100.

B. This chapter does not supersede or relieve a property owner from compliance with((:

~~1. The International Building and Fire Codes; or~~

~~2. The provisions of this code beyond the specific nonconformance addressed by this chapter))~~ local, state and federal regulations and laws that apply to the property and structures and uses thereon.

SECTION 74. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010 are hereby amended to read as follows:

A. The purpose of the transfer of development rights program is to transfer residential density from eligible sending sites to eligible receiving sites through a voluntary process that permanently preserves urban, rural((;)) and resource ~~((and urban separator))~~ lands that provide a public benefit. The TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density or increased commercial square footage, especially inside cities, where it can best be accommodated with the least impacts on the natural environment and public services by:

1. Providing an effective and predictable incentive process for property owners of rural, resource and urban separator land to preserve lands with a public benefit as described in K.C.C. 21A.37.020; and

2. Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site.

B. The TDR provisions in this chapter shall only apply to TDR receiving site development proposals submitted on or after September 17, 2001, and applications for approval of TDR sending sites submitted on or after September 17, 2001.

SECTION 75. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020 are hereby amended to read as follows:

A. For the purpose of this chapter, sending site means the entire tax lot or lots qualified under ((~~subsection B. of~~) this subsection. Sending sites ((~~may only be located within rural or resource lands or urban separator areas with R-1 zoning, as designated by the King County Comprehensive Plan, and shall meet~~)) shall:

1. Contain a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest;

2. Meet at least one of the following criteria:

a. designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;

b. designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;

c. designation in the King County Comprehensive Plan as Rural Area, zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, of farm and agricultural land or of timber land;

d. designation in the King County Comprehensive Plan or a functional plan as a proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural Resource Land open space site, through either:

(1) designation of a specific site; or

(2) identification of proposed Rural Area or Natural Resource Land regional trail or Rural Area or

Natural Resource Land open space sites which meet adopted standards and criteria, and for Rural Area or Natural Resource Land open space sites, meet the definition of open space land, as defined in RCW 84.34.020;

e. identification as habitat for federally listed endangered or threatened species in a written determination by the King County department of natural resources and parks, Washington state Department of Fish and Wildlife, United States Fish and Wildlife Services or a federally recognized tribe that the sending site is appropriate for preservation or acquisition;

f. designation in the King County Comprehensive Plan as urban separator and zoned R-1; or

g.(1) designation in the King County Comprehensive Plan as urban residential medium or urban residential high;

(2) zoned R-4, R-6, R-8, R-12, R-18, R-24 or R-48; and

(3) approved for conservation futures tax funding by the King County council;

3. Consist of one or more contiguous lots that have a combined area that meets or exceeds the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located. For purposes of this subsection, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed. This provision may be waived by the interagency committee if the total acreage of a rural or resource sending site application exceeds one hundred acres; and

4. Not be in public ownership, ((E))except:

a. as provided in K.C.C. 21A.37.110.C.((, -or-));

b. for lands zoned RA that are managed by the Washington state Department of Natural Resources as state grant or state forest lands((, -and in public ownership may not be sending sites. If the sending site consists of more than one tax lot, the lots must be contiguous and the area of the combined lots must meet the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located. For purposes of this section, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed; this provision may be waived by the interagency committee if the

~~total acreage of a rural or resource sending site application exceeds one hundred acres. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.~~

~~B. Qualification of a sending site shall demonstrate that the site contains a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest. A sending site must meet at least one of the following criteria:~~

- ~~1. Designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;~~
- ~~2. Designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;~~
- ~~3. Designation in the King County Comprehensive Plan as rural residential, zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, farm and agricultural land, or timber land;~~
- ~~4. Designation in the King County Comprehensive Plan, or a functional plan as a proposed rural or resource area regional trail or rural or resource area open space site, through either:~~
  - ~~a. designation of a specific site; or~~
  - ~~b. identification of proposed rural or resource area regional trail or rural or resource area open space sites which meet adopted standards and criteria, and for rural or resource area open space sites, meet the definition of open space land, as defined in RCW 84.34.020;~~
- ~~5. Identification as habitat for federal listed endangered or threatened species in a written determination by the King County department of natural resources and parks, Washington state Department of Fish and Wildlife, United States Fish and Wildlife Services or a federally recognized tribe that the sending site is appropriate for preservation or acquisition; or~~
- ~~6. Designation in the King County Comprehensive Plan as urban separator and zoned R-1)); or~~
  - c. for lands that are managed by King County for purposes of residential or commercial development.

~~((C-))~~ B. For the purposes of the TDR program, acquisition means obtaining fee simple rights in real property~~((;))~~ or a ~~((less than a fee simple))~~ property right in a form that preserves in perpetuity the public benefit supporting the designation or qualification of the property as a sending site. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.

~~((D-))~~ C. If a sending site has any outstanding code violations, the person responsible for code compliance should resolve these violations, including any required abatement, restoration, or payment of civil penalties, before a TDR sending site may be qualified by the interagency review committee created under K.C.C. 21A.37.070. However, the interagency may qualify and certify a TDR sending site with outstanding code violations if the person responsible for code compliance has made a good faith effort to resolve the violations and the proposal is in the public interest.

~~((E-))~~ D. For lots on which the entire lot or a portion of the lot has been cleared or graded in accordance with a Class II, III or IV special forest practice as defined in chapter 76.09 RCW within the six years ~~((prior to ))~~ before application as a TDR sending site, the applicant must provide an affidavit of compliance with the reforestation requirements of the Forest Practices Act, and any additional reforestation conditions of their forest practice permit. Lots on which the entire lot or a portion of the lot has been cleared or graded without any required forest practices or county authorization, shall be not qualified or certified as a TDR sending site for six years unless the six-year moratorium on development applications has been lifted or waived or the landowner has a reforestation plan approved by the Washington state Department of Natural Resources and King County.

SECTION 76. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040 are hereby amended to read as follows:

A. The number of residential development rights that an unincorporated sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density established in subsection D. of this section to the area of the sending site, after deducting the area associated with any existing



development, any retained development rights and any portion of the sending site already in a conservation easement or other similar encumbrance. For each existing dwelling unit or retained development right, the sending site area shall be reduced by an area equivalent to the base density for that zone under K.C.C.

21A.12.030.

B. Any fractions of development rights that result from the calculations in subsection A. of this section shall not be included in the final determination of total development rights available for transfer.

C. For purposes of calculating the amount of development rights a sending site can transfer, the amount of land contained within a sending site shall be determined as follows:

1. If the sending site is an entire tax lot, the square footage or acreage shall be determined:

a. by the King County department of assessments records; or

b. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the state of Washington; and

2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification. The square footage or acreage within each zoning classification shall be determined by the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the department of local services, permitting division, shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

1. Sending sites designated in the King County Comprehensive Plan as urban separator and zoned R-1 shall have a base density of four dwelling units per acre;

2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two and one-half acres.

Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25 acres;

3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated ~~((one))~~ one additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling unit per five acres for transfer purposes only;

6. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size; or

7. Sending sites in the urban unincorporated area that meet the criteria in K.C.C. 21A.37.020.A.2.g. shall be allocated TDRs that are equivalent to the zoning base density established in K.C.C. 21A.12.030 for every one acre of gross land area.

E. A sending site zoned RA, A or F may send one development right for every legal lot larger than five thousand square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section. A sending site zoned R-1 may send one development right for every legal lot larger than two thousand five hundred square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal

jurisdiction. The conversion ratio will be applied to the number of available sending site development rights determined under subsection A. or E. of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR qualification report prepared by the department of natural resources and parks and sent to the applicant. The qualification report and shall be considered a final determination, not to be revised due to changes to the sending site's zoning, and shall be valid unless conditions on the sending site property that would affect the number of development rights the sending site has available for transfer have changed.

I. Each residential transferable development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential transferable development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density. Each residential transferable development right that originates from a sending site in urban unincorporated area lands meeting the criteria in K.C.C. 21A.37.020.A.2.g. shall be designated "Urban" and is equivalent to one additional unit above the base density.

SECTION 77. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are hereby amended to read as follows:

A. An interagency review committee, chaired by the department of local services permitting division manager and the director of the department of natural resources and parks, or designees, shall be responsible for qualification of sending sites. Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.22.040. The department of natural resources and parks shall be responsible for preparing a TDR qualification report, which shall be signed by the director of the department of

natural resources and parks or designee, documenting the review and decision of the committee. The qualification report shall:

1. Specify all deficiencies of an application, if the decision of the committee is to disqualify the application;
2. For all qualifying applications, provide a determination as to whether or not additional residential dwelling units and associated accessory units may be accommodated in accordance with K.C.C.

21A.37.050.A.; and

3. Be issued a TDR certification letter within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant.

Application for sending site certification shall include:

1. A legal description of the site;
2. A title report;
3. A brief description of the site resources and public benefit to be preserved;
4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;
5. Assessors map or maps of the lot or lots;
6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;
7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:
  - a. a wildlife habitat conservation plan;
  - b. a wildlife habitat restoration plan; or
  - c. a wildlife present conditions report;

8. If the site qualifies as an urban unincorporated area sending site meeting the criteria in K.C.C.

21A.37.020.A.2.g.;

9. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C. 21A.37.060.B.3. and 6.;

~~((9-))~~ 10. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.~~((E))~~D.;

~~((10-))~~ 11. A completed density calculation worksheet for estimating the number of available development rights; and

~~((11-))~~ 12. The application fee consistent with K.C.C. ~~((27.36.020))~~ 27.10.170.

SECTION 78. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100 are hereby amended to read as follows:

The purpose of the TDR bank is to assist in the implementation of the transfer of development rights (TDR) program by bridging the time gap between willing sellers and buyers of development rights by purchasing and selling development rights, purchasing conservation easements, and facilitating interlocal TDR agreements with cities in King County through the provision of amenity funds. The TDR bank may acquire development rights and conservation easements only from sending sites located in the rural area or in an agricultural or forest ~~((production district as designated))~~ land use designation in the King County Comprehensive Plan, or in the urban unincorporated area only from sites meeting the criteria in K.C.C. 21A.37.020.A.2.g. Development rights purchased from the TDR bank may only be used for receiving sites in cities or in the urban unincorporated area as designated in the King County Comprehensive Plan.

SECTION 79. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110 are hereby amended to read as follows:

A. The TDR bank may purchase development rights from qualified sending sites at prices not to exceed

fair market value and to sell development rights at prices not less than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may accept donations of development rights from qualified TDR sending sites.

B. The TDR bank may purchase a conservation easement only if the property subject to the conservation easement is qualified as a sending site as evidenced by a TDR qualification report, the conservation easement restricts development of the sending site in the manner required by K.C.C. 21A.37.060 and the development rights generated by encumbering the sending site with the conservation easement are issued to the TDR bank at no additional cost.

C. Any development rights, generated by encumbering property with a conservation easement, may be issued to the TDR bank if:

1.a. The conservation easement is acquired through a county park, open space, trail, agricultural, forestry or other natural resource acquisition program for a property that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

b. the property is acquired by the county with the intent of conveying the property encumbered by a reserved conservation easement. The number of development rights generated by this reserved conservation easement shall be determined by the TDR qualification report; and

2. Under either subsection C.1.a. or b. of this section, there will be no additional cost to the county for acquiring the development rights.

D. The TDR bank may use funds to facilitate development rights transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDR receiving sites, procuring title reports and appraisals and reimbursing the costs incurred by the department of natural resources and parks, water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

E. The TDR bank fund may be used to cover the cost of providing staff support for identifying and

qualifying sending and receiving sites, and the costs of providing staff support for the TDR interagency review committee.

F. Upon approval of the TDR executive board, proceeds from the sale of TDR bank development rights shall be available for acquisition of additional development rights and as amenity funds to facilitate interlocal TDR agreements with cities in King County and for projects in receiving areas located in urban unincorporated King County. Amenity funds provided to a city from the sale of TDR bank development rights to that city are limited to one-third of the proceeds from the sale.

SECTION 80. Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130 are hereby amended to read as follows:

A.1. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights, except as provided in subsection A.2. of this section. The fair market value of the development rights shall be established by the department of natural resources and shall be based on the amount the county paid for the development rights and the prevailing market conditions.

2.a. The department of natural resources and parks shall undertake a "TDR for Affordable Housing" pilot program, in which transferrable development rights necessary to construct up to one hundred total units shall be sold at the administrative cost incurred by the county or fifteen percent of the fair market value of the development rights, whichever is less.

b. In order to qualify for this program, all units built using the development rights must be either:

(1) rental housing permanently priced to serve households with a total household income at or below forty percent of the median income for the county as defined by the United States Department of Housing and Urban Development, adjusted for household size. A covenant on the property that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval; or

(2) housing reserved for income- and asset-qualified home buyers with total household income at or

below forty percent of the median income for the county as defined by the United States Department of Housing and Urban Development, adjusted for household size. The units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

c. In unincorporated King County, in the R-4 through R-48 zones, development rights to build units through this pilot program shall only be sold for units between one hundred fifty percent and two hundred percent of the receiving site's base density as set forth in K.C.C. 21A.12.030.

d.(1) The department of natural resources and parks shall track the sale of development rights and completion of units constructed through this program. When the one hundred unit threshold is reached, the department shall, within six months of that date, transmit a report to the council that includes, but is not limited to:

(a) the location of the receiving sites where development rights under this pilot program were used;

(b) lessons learned from the pilot program, including feedback from developers who purchased development rights through the program; and

(c) a recommendation on whether to make the pilot program permanent, repeal the program, or modify the program.

(2) the report shall be accompanied by a proposed ordinance effectuating the recommendation in subsection d.1.c of this section.

(3) the report and proposed ordinance shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the mobility and environment committee or its successor.



B. When selling development rights, the TDR bank may select prospective purchasers based on the price offered for the development rights, the number of development rights offered to be purchased, and the potential for the sale to achieve the purposes of the TDR program.

C. The TDR bank may sell development rights only in whole or half increments to incorporated receiving sites through an interlocal agreement or, after the county enacts legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a city that has enacted legislation that complies with chapter 365-198 WAC. The TDR bank may sell development rights only in whole increments to unincorporated King County receiving sites.

D. All offers to purchase development rights from the TDR bank shall be in writing, shall include a certification that the development rights, if used, shall be used only inside an identified city or within the urban unincorporated area, include a minimum ten percent down payment with purchase option, shall include the number of development rights to be purchased, location of the receiving site, proposed purchase price and the required date or dates for completion of the sale, not later than three years after the date of receipt by King County of the purchase offer.

E. Payment for purchase of development rights from the TDR bank shall be in full at the time the development rights are transferred unless otherwise authorized by the department of natural resources and parks.

SECTION 81. Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040 are hereby amended to read as follows:

Special district overlays shall be ~~((designated))~~ classified on the official ~~((area))~~ zoning map~~((s))~~ and as a notation in the department's electronic parcel record, as follows:

A. A special district overlay shall be ~~((designated))~~ classified through the area zoning process as provided in K.C.C. chapters 20.12 and 20.18. ~~((Designation))~~ Classification of an overlay district shall include policies that prescribe the purposes and location of the overlay;

B. A special district overlay shall be applied to land through an area zoning process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the zoning map and as a notation in the department's electronic parcel record and shall be designated in Appendix B of Ordinance 12824 as maintained by the department of local services, permitting division, with the suffix "-SO" following the map symbol of the underlying zone or zones;

C. The special district overlays in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas;

D. The special district overlays in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

E. Unless they are specifically modified by this chapter, the standard requirements of this title and other county ordinances and regulations govern all development and land uses within special district overlays;

F. A special district overlay on an individual site may be modified by property-specific development standards as provided in K.C.C. 21A.38.030;

G. A special district overlay may not be deleted by a zone reclassification; and

H. Special district overlay development standards may be modified or waived through the consideration of a variance, subject to the variance criteria in K.C.C. 21A.44.030.

SECTION 82. Ordinance 10870, Section 578, as amended, and K.C.C. 21A.38.050 are hereby amended to read as follows:

A. The purpose of the pedestrian-oriented commercial development special district overlay is to provide for high-density, pedestrian-oriented retail ~~((/))~~ and employment uses. The ((P))pedestrian-oriented commercial districts shall only be established in areas designated ((within a community, subarea, or neighborhood plan as an urban activity center)) as a center on the adopted Urban Centers map of the King County Comprehensive Plan and zoned CB, RB or O.

B. Permitted uses shall be those uses permitted in the underlying zone, excluding the following:

1. Motor vehicle, boat and mobile home dealer;
2. Gasoline service station;
3. ~~((Drive-through retail and service u))~~ Uses with drive-through facilities, except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;
4. ~~((Car washes))~~ SIC Industry Group 598 (Fuel dealers);
5. ~~((Retail and service u))~~ Uses with outside storage, e.g. lumber yards, miscellaneous equipment rental or machinery sales;
6. ~~((Wholesale uses))~~ Bulk retail;
7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks, sports clubs, theaters, libraries and museums;
8. SIC Major Group 75 (Automotive repair, services and parking) except 7521 (automobile parking; but excluding tow-in parking lots);
9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch, clock and jewelry repair);
10. SIC Major Group 78 (Motion pictures)~~((, except 7832 (theater) and 7841 (video tape rental)))~~;
11. SIC Major Group 80 (Health services), except offices and outpatient clinics (801-804);
12. SIC Industry Group 421 (Trucking and courier service);
13. Public agency archive~~((s))~~;
14. Self-service storage;
15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC Industry Code 2759 (Commercial printing); ~~((and))~~
16. Resource land uses as set forth in K.C.C. 21A.08.090;
17. SIC Industry Code 7261 (Funeral home/crematory);

18. Cemetery, columbarium or mausoleum;

19. Interim recycling facility;

20. Utility facility, except underground water, gas or wastewater pipelines; and

21. Vector waste receiving facility.

C. The following development standards shall apply to ~~((uses))~~ development located in pedestrian-oriented commercial overlay districts:

1. ~~((Every use shall be subject to pedestrian-oriented use limitations and street facade development standards (e.g. placement and orientation of buildings with respect to streets and sidewalks, arcades or marquees) identified and adopted through an applicable community, subarea or, neighborhood plan, or the area zoning process;~~

2.)) For properties that have frontage on ~~((pedestrian street(s) or routes as designated in an applicable plan or area zoning process))~~ a public street, the following conditions shall apply:

a. main building entrances shall be oriented to the ~~((pedestrian))~~ public street;

b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~ five feet from the sidewalk or sidewalk improvement, but shall not encroach on the public right-of-way. For buildings existing before the effective date of this section of this ordinance with setbacks greater than five feet and that have substantial improvements made to them after the effective date of this section of this ordinance, a minimum five-foot-wide pedestrian walkway shall be constructed that connects the main building entrance to the public sidewalk or sidewalk improvement;

c. building facades shall comprise at least ~~((75%))~~ seventy-five percent of the total ~~((pedestrian))~~ street frontage for a property and if applicable, at least ~~((75%))~~ seventy-five percent of the total pedestrian route frontage for a property;

d. minimum ~~((side))~~ interior setbacks of the underlying zoning are waived;

e. building facades ~~((of ground floor retail, general business service, and professional office land~~

uses)) that front onto a ~~((pedestrian))~~ street ~~((or route))~~ shall ~~((include))~~ incorporate windows into at least thirty percent of the building facade surface area and overhead protection above all building entrances and along at least fifty percent of length of the building facade, which may extend over the sidewalk if it does not impede use of the sidewalk by the public;

f. ground floor building facades ~~((along a pedestrian street or route, that are without ornamentation or are))~~ shall include ornamentation such as decorative architectural treatments or finishes, pedestrian scale lighting, and window and door trim; and

g. buildings facades shall not be comprised of uninterrupted glass curtain walls or mirrored glass ~~((are not permitted))~~; ~~((and~~

~~g-))~~ 2. vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists~~((:))~~;

3. Floor/lot area ratio shall not exceed 5:1, including the residential component of mixed use developments, but not including parking structures;

4. Building setback and height requirements may be waived through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of the perimeter of any special district overlay area abutting an R-12 or lower density residential zone;

5. The landscaping requirements of K.C.C. chapter 21A.16 ~~((may be waived if landscaping conforms to a special district overlay landscaping plan adopted as part of the area zoning. The overlay district landscaping plan shall include features addressing street trees, and other design amenities (e.g. landscaped plazas or parks)))~~ shall apply to all new development and to buildings existing before the effective date of this section of this ordinance that have substantial improvements made to them after the effective date of this section of this ordinance; and

6. ~~((On designated pedestrian streets, sidewalk width requirements shall be increased to a range of ten~~

to twelve feet wide including sidewalk landscaping and other amenities. The sidewalk widths exceeding the amount required in the King County Road Standards may occur on private property adjoining the public street right-of-way; and

7.) Off-street parking requirements K.C.C. 21A.18.110 ((are modified as follows for all nonresidential uses:

- a. No less than one space for every 1000 square feet of floor area shall be provided;
- b. No more than seventy five percent of parking shall be on-site surface parking. Such parking shall be placed in the interior of the lot, or at the rear of the building it serves; and
- c. At least twenty five percent of the required parking shall be enclosed in an on-site parking structure or located at an off-site common parking facility, provided that this requirement is waived when the applicant signs a no protest agreement to participate in any improvement district for the future construction of such facilities)) shall apply, except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director shall only allow use of on-street parallel parking in front of or adjacent to the subject parcel for the parking spaces that cannot be accommodated to the rear or sides of buildings.

NEW SECTION. SECTION 83. There is hereby added to K.C.C. chapter 21A.38 a new section to read as follows:

A. The purpose of the Martin Luther King Jr. Way South Mixed-Use Special District Overlay is to facilitate linkages to the existing Martin Luther King Jr Way South Neighborhood Business Center, incentivize commercial opportunities close to existing high-density housing, incentivize commercial development by allowing more uses than traditionally found in mixed-use developments and provide flexibility in current square footage limitations.

B. The following development standards shall be applied to all development proposals within the Martin Luther King Jr. Way South Mixed-Use Special District Overlay:

1. New buildings shall be limited to mixed-use as defined in K.C.C. 21A.06.753;

2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as part of a mixed-use building in subsection B.1. of this section; and

3. Any nonresidential component of the building that is personal services allowed in the zone under K.C.C. 21A.08.050 or retail use allowed in the zone under K.C.C. 21A.08.070 shall comply with K.C.C. 21A.12.230, except that K.C.C. 21A.12.230.A., B. and C. do not apply to the development.

SECTION 84. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260 are hereby amended to read as follows:

A. The purpose of the Fall City business district special district overlay is to allow commercial development in Fall City to occur with on-site septic systems until such time as an alternative wastewater system is available. The special district shall only be established in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to other rural commercial centers.

B. The standards of this title and other county codes shall be applicable to development within the Fall City business district special district overlay except as follows:

1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:

(A) Multifamily residential units shall only be allowed on the upper floors of buildings; and

(B) Home occupations under K.C.C. chapter 21A.30;

ii. As a conditional use:

(A) Bed and Breakfast (five rooms maximum); and

(B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. (~~21A.08.030~~) 21A.08.040:

i. As a permitted use:

(A) Library;

(B) Museum; ~~((and))~~

(C) Arboretum; and

(D) Park.

ii. As a conditional use:

(A) Sports Club/Fitness Center;

(B) Amusement/Recreation Services/Arcades (Indoor);

(C) Bowling Center

c. General services land uses as set forth in K.C.C. 21A.08.050:

i. As a permitted use:

(A) General Personal Services, except escort services;

(B) Funeral Home;

(C) Appliance/Equipment Repair;

(D) Medical or Dental Office/Outpatient Clinic;

(E) Medical or Dental Lab;

(F) Day Care I;

(G) Day Care II;

(H) Veterinary Clinic;

(I) Social Services;

(J) Animal Specialty Services;

(K) Artist Studios;

(L) Nursing and Personal Care Facilities;

ii. As a conditional use:

(A) Theater (Movie or Live Performance);

(B) Religious Use;



d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:

i. As a permitted use:

- (A) General Business Service;
- (B) Professional Office: Bank, Credit Union, Insurance Office.

ii. As a conditional use:

- (A) Public Agency or Utility Office;
- (B) Police Substation;
- (C) Fire Station;
- (D) Utility Facility;
- (E) Self Service Storage;

e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:

i. As a permitted use on the ground floor:

- (A) Food Store;
- (B) Drug Store/Pharmacy;
- (C) Retail Store: includes florist, book store, apparel and accessories store, furniture/home

furnishings store, antique/recycled goods store, sporting goods store, video store, art supply store, hobby store, jewelry store, toy store, game store, photo store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-only retail);

- (D) Eating and Drinking Places, including coffee shops and bakeries;
- (E) Remote tasting rooms.

ii. As a conditional use:

- (A) Liquor Store or Retail Store Selling Alcohol;
- (B) Hardware/Building Supply Store;
- (C) Nursery/Garden Center;

- (D) Department Store;
- (E) Auto Dealers (indoor sales rooms only);
- f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.
- g. Resource land uses as set forth in K.C.C. 21A.08.090:
  - i. As a permitted use:
    - (A) Solar photovoltaic/solar thermal energy systems;
    - (B) Private storm water management facilities;
    - (C) Growing and Harvesting Crops (within rear/internal side yards or roof gardens, and with organic methods only);
    - (D) Raising Livestock and Small Animals (per the requirements of Section 21A.30 of the Zoning Code)
  - ii. As a conditional use: Wind Turbines
- h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit: Communication Facility.
- 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except as follows:
  - a. Residential density is limited to six dwelling units per acre. For any building with more than ten dwelling units, at least ten percent of the dwelling units shall be classified as affordable under 21A.34.040F.1;
  - b. Buildings are limited to two floors, plus an optional basement;
  - c. The elevation of the ground floor may be elevated a maximum of six feet above the average grade of the site along the front facade of the building;
  - d. If the ground floor is designed to accommodate non-residential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps;
  - e. If the ground floor is designed to accommodate non-residential space, the height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

f. Building height shall not exceed forty feet, as measured from the average grade of the site along the front facade of the building.

NEW SECTION. SECTION 85. There is hereby added to K.C.C. chapter 21A.38 a new section to read as follows:

A. The purpose of the Bear Creek office and retail special district overlay is to provide additional commercial opportunities to support area residents and the local economy and to provide retail options for employees of the office zones.

B. Allowed uses within the special district overlay shall be those uses allowed in the office zone in K.C.C. chapter 21A.08 and the following permitted land uses:

1. Building materials and hardware stores;
2. Retail nursery, garden center and farm supply stores;
3. Department and variety stores;
4. SIC Major Group 54 - Food stores;
5. SIC Industry Group 553 - Auto supply stores;
6. SIC Industry Group 554 - Gasoline service stations;
7. SIC Major Group 56 - Apparel and accessory stores;
8. Furniture and home furnishings stores;
9. SIC Major Group 58 - Eating and drinking places;
10. Drug store;
11. SIC Industry Group 592 - Liquor stores;
12. SIC Industry Group 593 - Used goods: antiques/secondhand shops;
13. Sporting goods and related stores;
14. Book, stationary, video and art supply stores, except adult use facilities;
15. Jewelry stores;

16. Hobby, toy and games shops;
17. Photographic and electronic shops;
18. Fabric shops;
19. Florist shops;
20. Personal medical supply stores;
21. Pet shops; and
22. General services - Daycare II.

SECTION 86. Ordinance 12627, Section 1, and K.C.C. 21A.55.010 are hereby amended to read as follows:

~~((Purpose.))~~ The purpose of this section is to provide for "demonstration projects" as a mechanism to test and evaluate alternative development standards and processes ~~((prior to))~~ before amending King County policies and regulations. Alternative development standards might include standards affecting building and/or site design requirements. Alternative processes might include permit review prioritization, alternative review and revision scheduling, or staff and peer review practices. All demonstration projects shall have broad public benefit through the testing of new development regulations and shall not be used solely to benefit individual property owners seeking relief from King County development standards. A demonstration project shall be ~~((designated))~~ classified by the ~~((M))~~metropolitan King County ~~((C))~~council. ~~((Designation))~~ Classification of each new demonstration project shall occur through an ordinance which amends this code and shall include provisions that prescribe the purpose~~((s))~~ or purposes and location~~((s))~~ or locations of the demonstration project. Demonstration projects shall be located in urban areas, ~~((and/or))~~ rural areas or natural resource lands, or any combination thereof, which are deemed most suitable for the testing of the proposed alternative development regulations. Within such areas development proposals may be undertaken to test the efficacy of alternative regulations that are proposed to facilitate increased quality of development and/or increased efficiency in the development review processes.

SECTION 87. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020 are hereby amended to read as follows:

A. In establishing any demonstration project, the council shall specify the following:

1. The purpose of the demonstration project;
2. The location or locations of the demonstration project;
3. The scope of authority to modify standards and the lead agency, department or division with authority to administer the demonstration project;
4. The development standards established by this title or other titles of the King County Code that affect the development of property that are subject to administrative modifications or waivers;
5. The process through which requests for modifications or waivers are reviewed and any limitations on the type of permit or action;
6. The criteria for modification or waiver approval;
7. The effective period for the demonstration project and any limitations on extensions of the effective period;
8. The scope of the evaluation of the demonstration project and the date by which the executive shall submit an evaluation of the demonstration project; and
9. The date by which the executive shall submit an evaluation of specific alternative standards and, if applicable, proposed legislation.

B. A demonstration project shall be ~~((designated))~~ classified by the ~~((M))~~metropolitan King County ~~((C))~~council through the application of a demonstration project overlay to properties in a specific area or areas. A demonstration project shall be indicated on the zoning map ~~((of))~~ and as a notation in the geographic information system data layers maintained by the department of local services, permitting division, by the suffix "-DPA" (meaning demonstration project area) following the map symbol of the underlying zone or zones. Within a ~~((designated))~~ classified demonstration project area, approved alternative development regulations

may be applied to development applications.

SECTION 88. Ordinance 12627, Section 3, and K.C.C. 21A.55.030 are hereby amended to read as follows:

A. The demonstration projects set forth in this chapter are the only authorized demonstration projects. New or amended demonstration projects to carry out new or different goals or policies shall be adopted as part of this chapter.

B. Demonstration projects must be consistent with the King County Comprehensive Plan. ((~~Designation~~)) Classification of a demonstration project and its provisions to waive or modify development standards must not require nor result in amendment of the ((~~e~~))Comprehensive ((~~p~~))Plan nor the ((~~e~~))Comprehensive Plan land use map.

C. Unless they are specifically modified or waived pursuant to the provisions of this chapter, the standard requirements of this title and other county ordinances and regulations shall govern all development and land uses within a demonstration project area. Property-specific development standards (P-suffix conditions) as provided in K.C.C. chapter 21A.38 shall supersede any modifications or waivers allowed by the provisions of this chapter.

D. Demonstration project sites should be selected so that any resulting amended development standards or processes can be applied to similar areas or developments. Similar areas could include those with similar mixes of use and zoning. Similar developments could include types of buildings such as commercial or multifamily and types of development such as subdivisions or redevelopment.

SECTION 89. Ordinance 13332, Section 33, as amended, and K.C.C. 27.10.180 are hereby amended to read as follows:

Fees for zoning or ((~~e~~))Comprehensive ((~~p~~))Plan or map modification shall be charged as follows:

- |    |                  |
|----|------------------|
| A. | Variance         |
| 1. | Review\$6,692.00 |
| 2. | Extens\$244.00   |

- |    |  |            |
|----|--|------------|
| B. | Site-specific amendment of land use map, plan, code or shoreline <u>environment redesignation</u>  | \$2,234.00 |
| C. | Other zoning reclassification on requests including shoreline environment redesignation, deletion of special district overlay, or amendment or deletion of p-suffix conditions | \$9,135.00 |

D. If a site-specific amendment is implemented as part of ~~((the))~~ a Comprehensive Plan ~~((amendment process))~~ update, the application fee will be credited toward the zoning reclassification fee, provided that the application for zoning reclassification is filed within one year of the effective date of the site-specific land use map amendment.

SECTION 90. The following are hereby repealed:

- A. Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070;
- B. Ordinance 12171, Section 7, and K.C.C. 21A.38.110;
- C. Ordinance 12823, Section 9, and K.C.C. 21A.38.140; and
- D. Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240.

SECTION 91. K.C.C. 20.12.100, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 4.56.

SECTION 92. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100 are hereby amended to read as follows:

A. The 2019 real property asset management plan, ~~((formerly called the county space plan,))~~ dated September 1, 2019, and consisting of real property asset management policies, practices and strategies, including planning policies, locations of county agencies and implementation plans, planned moves and references to King County space standards, is ~~((adopted as a component of the capital facilities element of))~~ intended to implement the capital facilities element of the King County Comprehensive Plan. The real property asset management plan dated September 1, 2019, shall guide facility planning processes, decisions and implementation.

B. The executive shall ~~((update))~~ transmit to the council a proposed ordinance updating the real property asset management plan, including the current and future space needs and implementation plans of the real property asset management plan; ~~((and submit them to the council as amendments to the real property asset management plan))~~

1. ~~((b))~~ By the first business day in September ((1)) of every fourth year, beginning ((on September 1, 2019, and also)) 2023; or

2. ~~((w))~~ Within ninety days of any significant change in the county's ((space plan)) inventory, such as a move, sale, purchase or other change, affecting fifty thousand or more square feet of useable space.

C.1. The council may amend the executive's proposed real property asset management plan during the council's review.

2. The council may at any time introduce and adopt an ordinance to modify the policies within the real property asset management plan.

SECTION 93. The executive shall submit sections 68, 69, 70 and 71 of this ordinance, amendments to King County Comprehensive Plan chapter six in Attachment A to this ordinance and amendments to the Shoreline Master Program in Attachments E and H to this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

SECTION 94. Sections 68, 69, 70 and 71 of this ordinance, amendments to King County



Comprehensive Plan chapter six in Attachment A to this ordinance and amendments to the Shoreline Master Program in Attachments E and H to this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.

SECTION 95. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.