



Legislation Text

File #: 2017-0337, **Version:** 1

AN ORDINANCE relating to permitting and zoning; amending Ordinance 1488, Section 5, as amended, and K.C.C.16.82.020, Ordinance 1488, Section 6, as amended, and K.C.C. 16.82.050, Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 15053, Section 8, and K.C.C. 16.82.085, Ordinance 12196, Section 10, as amended, and K.C.C 20.20.030, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090, Ordinance 6949, Section 4, and K.C.C. 20.44.020, Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040, Ordinance 10870, Section 200, as amended, and K.C.C. 21A.06.800, Ordinance 10870, Section 317, as amended, and K.C.C. 21A.06.1385, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100, Ordinance 16985, Section 109, and K.C.C. 21A.08.110, Ordinance 10870, Section 391, as amended, and K.C.C. 21A.12.040, Ordinance 10870, Section 373, as amended, and K.C.C. 21A.14.130, Ordinance 10870, Section 392, as amended, and K.C.C. 21A.16.070, Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110, Ordinance 10870, Section 420, and K.C.C. 21A.20.020, Ordinance 10870, Section 422, as amended, and K.C.C. 21A.20.040, Ordinance 10870, Section 427, as amended, and K.C.C. 21A.20.080, Ordinance 10870, Section 538, and K.C.C. 21A.32.010, Ordinance 10870, Section 539, as

amended, and K.C.C. 21A.32.020, Ordinance 13130, Section 2, as amended, and K.C.C. 21A.32.025, Ordinance 13130, Section 3, as amended, and K.C.C. 21A.32.045, Ordinance 13130, Section 4, as amended, and K.C.C. 21A.32.055, Ordinance 13130, Section 5, as amended, and K.C.C. 21A.32.065, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, Ordinance 17485, Section 43, and K.C.C. 21A.38.260 and Ordinance 13263, Section 6, as amended, and K.C.C. 23.02.050, adding new sections to K.C.C. chapter 21A.06, adding a new section to K.C.C. chapter 21A.32 and repealing Ordinance 14259, Section 4, as amended, and K.C.C. 16.82.052, Ordinance 10870, Section 41, and K.C.C. 21A.32.040 and Ordinance 13130, Section 12, as amended, and K.C.C. 21A.32.085.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings: The King County Council makes the following legislative findings for the purpose of adopting new state environmental policy act (SEPA) exemption levels:

- A. King County proposes to amend its SEPA exemption levels according to RCW 197-11-800; and
- B. The County established notice and comment opportunities for the public, affected tribes and agencies regarding permitting of development projects included in these increased exemption levels beginning on December 28, 2016; and
- C. The County provided a minimum of sixty days notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology and the public beginning on February 16, 2017 and provided an opportunity to comment; and
- D. Due to the high level of environmental review provided by the County's Surface Water Design Manual and K.C.C Chapter 21A.24 (critical areas regulations), among others, requirements for environmental analysis, protection and mitigation for impacts to the elements of the environment have been adequately

addressed for the development exempted.

SECTION 2. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are each hereby amended to read as follows:

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

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

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

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

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

E. "Compaction" means the densification of a fill by mechanical means.

F. "Cutting" means the severing of the main trunk or stem of woody vegetation at any point.

G. "Department" means the department of permitting and environmental review.

H. "Director" means the director of the department of permitting and environmental review or the director's designee.

I. "Earth material" means any rock, natural soil or any combination thereof.

J. "Erosion" means the wearing away of the ground surface as the result of the movement of wind, water or ice.

K. "Excavation" means the removal of earth material.

L. "Fill" means a deposit of earth material or recycled or reprocessed waste material consisting primarily of organic or earthen materials, or any combination thereof, placed by mechanical means.

M. "Geotechnical engineer" means an engineer who is licensed as a professional engineer by the state of Washington and who has at least four years of relevant professional employment.

N. "Grade" means the elevation of the ground surface.

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

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

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

O. "Grading" means any excavating, filling or land-disturbing activity, or combination thereof.

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

Q. "Land-disturbing activity" means ~~((an))~~ clearing, grading or similar activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

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

S. "Shorelines" means those lands defined as shorelines in the state Shorelines Management Act of 1971.

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

1. "Documented legal control" includes fee simple or leasehold rights, or an easement, or any

combination thereof, that allows uses associated with the overall development proposal; and

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

U. "Slope" means inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

V. "Structural engineer" means an engineer who is licensed as a professional engineer in the branch of structural engineering by the state of Washington.

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

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

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

Z. "Vegetation" means any organic plant life growing at, below or above the soil surface.

SECTION 3. Ordinance 1488, Section 6, as amended, and K.C.C. 16.82.050 are each hereby amended to read as follows:

A. ~~((An))~~ A land-disturbing activity ~~((physically altering a site))~~, including clearing or grading activities and forest practices, shall be consistent with and meet the standards in this chapter unless preempted under chapter 76.09 RCW.

B. Unless specifically excepted under K.C.C. 16.82.051, a person shall not do any ~~((clearing or grading))~~ land-disturbing activity without first having obtained a clearing and grading permit issued by the department or having all ~~((clearing and grading))~~ land-disturbing activity reviewed and approved by the department as part of another development proposal. A separate permit shall be required for each site unless the activity is approved to occur on multiple sites under a programmatic permit issued in accordance with K.C.C. 16.82.053.

C. The permits or approvals issued under this chapter shall be required regardless of permits or

SECTION 4. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are each hereby amended to read as follows:

A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply to the activities described in this section.

B. The following activities are excepted from the requirement of obtaining a clearing or grading permit before undertaking forest practices or clearing or grading activities, as long as those activities conducted in critical areas are in compliance with the standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may be included in more than one activity category, the most-specific description of the activity shall govern whether a permit is required. For activities involving more than one critical area, compliance with the conditions applicable to each critical area is required. Clearing and grading permits are required when a cell in this table is empty and for activities not listed on the table. Activities not requiring a clearing and grading permit may require other permits, including, but not limited to, a floodplain development permit.

[illegible]

applies.													
"Wildlife area													
and network" column													
applies to both Wildlife													
Habitat Conservation													
Area and Wildlife													
Habitat Network													
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, NP 1, 2			NP 1, 2			
((Clearing)) Land-disturbing activity	NP 3 NP 24	NP 3	NP 3	NP 3			NP 3 NP 3			NP 3	NP 4 NP 2	NP 4 NP 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5 NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6 NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25 NP 25			NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7 NP 7			NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9 NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10 NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11 NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12 NP 12	NP 12	NP		NP 12	NP 12	NP 12
Maintenance of driveway or private	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13 NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15 NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access d	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16 NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access d	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17 NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Utilities													
Construction or maintenance of utility facility within the right-of-way	NP 18 NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19 NP 19	NP 19	NP 18	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, NP 2, 3			NP 1, 2, 3			
Maintenance of existing surface water system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11 NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11 NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20 NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20

Maintenance or repair of existing i	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recreation areas													
Maintenance of outdoor public par publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat restoration or enhancemen	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical area	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, seeding, harvesting, preparing soil, related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of l storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance or replacement of agr	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural water	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish po watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Other													
Excavation of cemetery grave in es approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13	NP 13

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time(~~((, does not involve more than one hundred cubic yards on a single site))~~):
 - a. on a single site located in the Urban Growth Area does not involve more than one hundred cubic yards; or
 - b. on a single site located outside the Urban Growth Area does not involve more than five hundred cubic yards.
2. ~~((Grading))~~ Cumulative land-disturbing activity that produces less than two thousand square feet of

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

3. Cumulative (~~(clearing)~~) land-disturbing activity of less than seven thousand square feet on a single site since January 1, 2005, including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to (~~(development proposals)~~) land-disturbing activities:

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

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

- 5. Limited to material at any solid waste facility operated by King County.
- 6. Allowed to prevent imminent danger to persons or structures.
- 7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan, forest management plan or rural stewardship plan.

- 8. Cumulative clearing of less than seven thousand square feet and either:
 - a. conducted in accordance with a farm management plan, forest management plan or a rural stewardship plan; or
 - b. limited to removal with hand labor.

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

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

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

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

a. slope stabilization or vegetation removal on slopes; or

b. ditches that are used by salmonids.

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

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

b. the structure, condition or site maintained was constructed or created in accordance with law; and

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

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

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

- a. The King Conservation District;
- b. King County department of natural resources and parks;
- c. King County department of permitting and environmental review; or
- d. Washington state Department of Fish and Wildlife.

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

17. Only if consistent with a farm plan.

18. In accordance with a franchise permit.

19. Only within the roadway in accordance with a franchise permit.

20. When:

- a. conducted by a public agency;
- b. the height of the facility is not increased;
- c. the linear length of the facility is not increased;
- d. the footprint of the facility is not expanded waterward;
- e. done in accordance with the Regional Road Maintenance Guidelines;
- f. done in accordance with the adopted King County Flood Hazard Management Plan and the

Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002);
and

f. monitoring is conducted for three years following maintenance or repair and an annual report is submitted to the department.

21. Only if:

- a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation; and
- b. the activity is sponsored or co-sponsored by a public agency that has natural resource management as its primary function or a federally-recognized tribe, and the activity is limited to:

(1) revegetation of the critical area and its buffer with native vegetation or the removal of noxious weeds or invasive vegetation;

(2) placement of weirs, log controls, spawning gravel, woody debris and other specific salmonid habitat improvements;

(3) hand labor except:

(a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or

(b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or its buffer.

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

23. Limited to removal of vegetation for forest fire prevention purposes in accordance with best management practices approved by the King County fire marshal.

24. Limited to the removal of downed trees.

25. Except on properties that are:

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

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

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

a. King Conservation District;

b. department of natural resources and parks;

c. department of permitting and environmental review; or

d. Washington state Department of Fish and Wildlife.

SECTION 5. Ordinance 15053, Section 8, and K.C.C. 16.82.085 are each hereby amended to read as follows:

A. A clearing and grading permit shall be valid for the number of days stated in the permit but the period shall not be more than two years, except in the case of a programmatic permit which may have a duration of up to five years. A permit shall not remain valid after the permitted activity has been completed, the site has been permanently stabilized and all required mitigation or restoration has been completed, monitored and accepted.

B. If the department determines substantial activity has not occurred within two years of the date of permit issuance, it may cancel and rescind the permit.

C. If the department determines that operating conditions and performance standards have been met and that the permit conditions are adequate to protect against the impacts resulting from the permitted activity, the permit may be renewed in two-year increments or five-year increments for a programmatic permit, or less if a shorter approval or renewal period is specified by the department. The additional requirements applicable to renewal of programmatic permits in K.C.C. 16.82.053 also apply.

~~((C.))~~ D. If the department determines that activities regulated under a permit issued for mineral extraction in accordance with K.C.C. chapter 21A.22 does not comply with permit conditions or operating standards during a renewal review, it may conduct a periodic review.

SECTION 6. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030 are each hereby amended to read as follows:

A.1. Except as otherwise provided in subsection A.2. of this section, before filing a permit application the applicant shall contact the department to schedule a presubmittal project review to discuss the application requirements with the applicant and provide comments on the development proposal. ~~((The department shall credit any fees charged for the presubmittal project review towards the permit application fees provided for in K.C.C. Title 27.))~~

2. A presubmittal project review is not required for over-the-counter permits or for proposals that require a mandatory preapplication conference under subsection B. of this section.

B. Before filing a permit application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department to schedule a preapplication conference, which shall be held before filing the application. The purpose of the preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The preapplication conference shall be scheduled by the department, at the request of an applicant, and shall be held within approximately thirty days from the date of the applicant's request. The department shall assign a project manager following the preapplication conference. The director may waive the requirement for a preapplication conference if the director determines the preapplication conference is unnecessary for review of an application. Nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the applicant from filing an application if the department is unable to schedule a preapplication conference within thirty days following the applicant's request.

C. Information presented at or required as a result of the preapplication conference shall be valid for a period of one year following the preapplication conference. An applicant wishing to submit a permit application more than one year following a preapplication for the same permit application shall be required to schedule another preapplication conference.

D. At or subsequent to a preapplication conference, the department may issue a preliminary determination that a proposed development is not permissible under applicable county policies or regulatory enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the hearing examiner in the manner provided for a Type 2 permit, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in K.C.C. 20.20.060 H. and I.

SECTION 7. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are each hereby amended to read as follows:

A. A notice of application shall be provided to the public for land use permit applications as follows:

1. Type 2, 3 or 4 decisions;
2. Type 1 decisions subject to SEPA, except where the department of permitting and environmental review is not the SEPA lead agency for the project;
3. As provided in subsection K. and L. of this section; and
4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035.

B. Notice of the application shall be provided by the department within fourteen days following the department's determination that the application is complete. A public comment period on a notice of application of at least twenty-one days shall be provided, except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to subdivision alterations. The public comment period shall commence on the third day following the department's mailing of the notice of application as provided for in subsection H. of this section.

C. If the county has made a determination of significance ("DS") under chapter 43.21C RCW before the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.

D. Unless the mailed notice of application is by a post card as provided in subsection E. of this section, the notice of application shall contain the following information:

1. The file number;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;
4. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
5. A site plan on eight and one-half by fourteen inch paper, if applicable;

6. The procedures and deadline for filing comments, requesting notice of any required hearings and any appeal procedure;

7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice;

8. The identification of other permits not included in the application to the extent known;

9. The identification of existing environmental documents that evaluate the proposed project; and

10. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable county plans and regulations.

E. If mailed notice of application is made by a post card, the notice of application shall contain the following information:

1. A description of the project, the location, a list of the permits included in the application and any environmental documents or studies can be reviewed;

2. The name of the applicant;

3. The date of application, the date of the notice of completeness and the date of the notice of application;

4. If the department has made a decision or recommendation on the application, the decision or recommendation made;

5. The applicable comment and appeal dates and the date, time, place and type of hearing, if applicable;

6. A web site address that provides access to project information, including a site map and application page; and

7. The department contact name, telephone number and email address;

F. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsections G. and J. of this section;

2. Mailed by first class mail as provided in subsection H. of this section; and
3. Published as provided in subsection I. of this section.

G. Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within fourteen days following the department's determination of completeness as follows:

1. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:
 - a. at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;
 - b. five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of the department;
 - c. so that the top of the notice board is between seven to nine feet above grade;
 - d. where it is completely visible to pedestrians; and
 - e. comply with site distance requirements of K.C.C. 21A.12.210 and the King County road standards adopted under K.C.C. chapter 14.42.
2. Additional notice boards may be required when:
 - a. the site does not abut a public road;
 - b. a large site abuts more than one public road; or
 - c. the department determines that additional notice boards are necessary to provide adequate public notice;
3. Notice boards shall be:
 - a. maintained in good condition by the applicant during the notice period through the time of the final county decision on the proposal, including the expiration of any applicable appeal periods, and for decisions that are appealed, through the time of the final resolution of any appeal;

b. in place at least twenty-eight days before the date of any required hearing for a Type 3 or 4 decision, or at least fourteen days following the department's determination of completeness for any Type 2 decision; and

c. removed within fourteen days after the end of the notice period;

4. Removal of the notice board before the end of the notice period may be cause for discontinuance of county review until the notice board is replaced and remains in place for the specified time period;

5. An affidavit of posting shall be submitted to the department by the applicant within fourteen days following the department's determination of completeness to allow continued processing of the application by the department;

6. Notice boards shall be constructed and installed in accordance with subsection G. of this section and any additional specifications promulgated by the department under K.C.C. chapter 2.98, rules of county agencies; and

7. The director may waive the notice board requirement for a development proposal located in an area with restricted access, an area that is not served by public roads, or in other circumstances the director determines make the notice board requirement ineffective in providing notice to those likely to be affected by the development proposal. In such cases, the director shall require alternative forms of notice under subsection M. of this section.

H. Mailed notice for a proposal shall be sent by the department within fourteen days after the department's determination of completeness:

1. By first class mail to owners of record of property in an area within five hundred feet of the site. The area shall be expanded when the department determines it is necessary to send mailed notices to at least twenty different property owners;

2. To any city with a utility that is intended to serve the site;

3. To the Washington state Department of Transportation, if the site adjoins a state highway;

4. To the affected tribes;
5. To any agency or community group that the department may identify as having an interest in the proposal;
6. Be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice;
7. For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat;
8. In those parts of the urban growth area designated by the King County Comprehensive Plan where King County and a city have adopted either a memorandum of understanding or a potential annexation boundary agreement, or both, the director shall ensure that the city receives notice of all applications for development subject to this chapter and shall respond specifically in writing to any comments on proposed developments subject to this title.

I. The notice of application shall be published by the department within fourteen days after the department's determination of completeness in the official county newspaper and another newspaper of general circulation in the affected area, if any, and the notice shall be posted on the department of permitting and environmental review website.

J. Unless waived under subsection G.7. of this section, posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

1. Notice boards shall comport with the size and placement provisions identified for construction signs in K.C.C. 21A.20.120.B;
2. Notice boards shall include the following information:
 - a. permit number and description of the project;

- b. projected completion date of the project;
- c. a contact name and phone number for both the department and the applicant;
- d. a department contact number for complaints after business hours; and
- e. hours of construction, if limited as a condition of the permit;

3. Notice boards shall be maintained in the same manner as identified above, in subsection F of this section; and

4. Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

K. Posted and mailed notice consistent with this section shall be provided to property owners of record and to the council district representative in which it is located, for any proposed single-family residence in a higher density urban single family residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor area as defined in the Washington State Uniform Building Code.

L. Posted and mailed notice consistent with this section shall be provided to any property owner of record and to the council district representative in which is locating any application for building permits or other necessary land use approvals for the establishment of the social service facilities classified by SIC 8322 and 8361 and listed below, unless the proposed use is protected under the Fair Housing Act:

- 1. Offender self-help agencies;
- 2. Parole offices;
- 3. Settlement houses;
- 4. Halfway home for delinquents and offenders; and
- 5. Homes for destitute men and women.

M. In addition to notice required by subsection F. of this section, the department may provide additional notice by any other means determined by the department as necessary to provide notice to persons or entity who may be affected by a proposal.

SECTION 8. Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090 are each hereby amended to read as follows:

A. In accordance with K.C.C. 20.20.100, the department shall provide notice of:

1. Its final Type 1 decision subject to SEPA, including the threshold determination, if any;
2. Its Type 2 decision; and
3. Its Type 3 and 4 recommendations.

B. The notice shall include the applicable procedures for either an administrative appeal to, or further consideration by, the examiner.

C. (~~[[The]]~~) The notice shall be provided to:

1. The applicant;
2. If required by SEPA, the Department of Ecology and to agencies with jurisdiction as defined in chapter 197-11 WAC;
3. If required by chapter 90.58 RCW, the Department of Ecology and the Attorney General;
4. Any person who, before the decision or recommendation, had requested notice of the decision or recommendation from, or submitted comments to, the department; and
5. Owners of record of property in an area within five hundred feet of the site. The area shall be expanded when the department determines it is necessary to send mailed notices to at least twenty different property owners.

D. Except for decisions regarding shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are only appealable to the state Shorelines Hearings Board, any administrative appeal or further consideration by the examiner is subject to K.C.C. chapter 20.22.

E. The notice of decision or recommendation may be mailed as a postcard, and the public referred to the department's website for further information, subject to the items identified in K.C.C. 20.20.060.E. being included on the postcard.

SECTION 9. Ordinance 6949, Section 4, and K.C.C. 20.44.020 are each hereby amended to read as follows:

The procedures and standards regarding lead agency responsibility contained in WAC 197-11-050 and WAC 197-11-922 through 197-11-948 are adopted, subject to the following:

A. The county department exercising initial jurisdiction over a private proposal or sponsoring a county project shall be responsible for performing the duties of the lead agency. The director of such department shall serve as the responsible official. Department directors may transfer lead agency and responsible official responsibility to any county department which agrees to perform as lead agency or may delegate such responsibility to divisions within their own departments.

B. With respect to actions initiated by the county council, the council shall refer by motion such proposals to the county executive for designation of a county department as lead agency and development of a SEPA checklist.

C. In the event of uncertainty or disagreement regarding lead agency status, the county executive shall designate the county department responsible for performing the function of lead agency.

SECTION 10. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are each hereby amended to read as follows:

A. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:

1. The following exempt threshold levels are hereby established in accordance with WAC 197-11-800 (1)(c) for the exemptions in WAC 197-11-800(1)(b):

a. The construction or location of any single family residential (~~((structures))~~) project of (~~((twenty))~~) thirty dwelling units or any multifamily residential project of sixty dwelling units within the boundaries of an urban growth area, or of any single family residential (~~((structures))~~) project of (~~((eight))~~) twenty dwelling units or

any multifamily residential project of twenty-five dwelling units outside of the boundaries of an urban growth area;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ~~((thirty))~~ forty thousand square feet on land zoned agricultural, or ~~((fifteen))~~ twenty-five thousand square feet in all other zones, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. ~~((The))~~ Outside the Urban Growth Area, the construction of an office, school, commercial, recreational, service or storage building with twelve thousand square feet of gross floor area, and ~~((with associated))~~ parking facilities designed for forty automobiles. Inside the Urban Growth Area, the construction of office, school, commercial, recreational, service or storage buildings with thirty thousand square feet of gross floor area, and parking facilities designed for ninety automobiles; and

d. ~~((The construction of a parking lot designed for forty automobiles;~~

e.)) Any fill or excavation of ~~((five hundred))~~ one thousand cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder~~((: The categorical exemption threshold shall be one hundred cubic yards for any fill or excavation that is in an aquatic area, wetland, steep slope or landslide hazard area. If the proposed action is to remove from or replace fill in an aquatic area, wetland, steep slope or landslide hazard area to correct a violation, the threshold shall be five hundred cubic yards))~~.

2. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal.

B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of

any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS.

SECTION 11. Ordinance 10870, Section 200, as amended, and K.C.C. 21A.06.800 are each hereby amended to read as follows:

~~((Nonconformance: a use, improvement or structure established in conformance with King County's rules and regulations and other applicable local and state rules and regulations in effect at the time the use, improvement or structure was established that no longer conforms to King County's rules and regulations or other applicable local and state rules and regulations due to changes in the rules and regulations or their application to the subject property.))~~ Nonconforming use or structure: a use or structure that was lawfully established and maintained before the enactment of a regulation that rendered the use or structure unlawful, and that is maintained after the effective date of the regulation that renders it noncompliant.

SECTION 12. Ordinance 10870, Section 317, as amended, and K.C.C. 21A.06.1385 are each hereby amended to read as follows:

Water dependent use: a use or portion of a use that cannot exist in location that is not adjacent to the water and is dependent on the water by reason of the intrinsic nature of its operations.

NEW SECTION. SECTION 13. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Regional transportation facility: Regional transportation facility is a light rail facility serving more than one area.

NEW SECTION. SECTION 14. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Transit comfort station: Transit comfort station is a restroom for governmental transit operators.

SECTION 15. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are each hereby amended to read as follows:

A. Residential land uses.

KEY		RESOURCE			R U R A L	RESIDENTI AL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use	Z O N E	A	F	M	R	* R	U R	N B	C B	R B	O I		
C-Conditional Use		G	O	I	U	U E	R E	E U	O U	E U	F N		
S-Special Use		R	R	N	R	R S	B S	I S	M S	G S	F D		
		I	E	E	A	B E	A I	G I	M I	I I	I U		
		C	S	R	L	A R	N D	H N	U N	O N	C S		
		U	T	A		N V	E	B E	N E	N E	E T		
		L		L	A	E	N	O S	I S	A S	R		
		T			R		T	R S	T S	L S	I		
		U			E		I	H	Y		A		
		R			A		A	O			L		
		E					L	O					
							D						
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12	NB	CB	RB	O	I
	DWELLIN G UNITS, TYPES:												
*	Single Detached	P C12	P2		P C12	P C12	P C1 2	P C1	P15				
*	Townhouse				C4	C4	P1 C1 2	P	P3 and 19	P3 and 19	P3 and 19	P3 and 19	
*	Apartment				C4	C4	P5 C5	P	P3 and 19	P3 and 19	P3 and 19	P3 and 19	
*	Mobile Home Park				S13		C8	P					
*	Cottage Housing						P1 5						
	GROUP RESIDEN CES:												
*	Community Residential Facility-I				C	C	P1 4.a C	P	P3 and 19	P3 and 19	P3 and 19	P3 and 19	
*	Community Residential Facility-II						P1 4.b	P	P3 and 19	P3 and 19	P3 and 19	P3 and 19	
*	Dormitory				C6	C6	C6	P					
*	Senior Citizen Assisted Housing					P4	P4	P	P3 and 19	P3 and 19	P3 and 19	P3 and 19	
	ACCESSO RY USES:												

*	Residential Accessory Uses	P7	P1	P7		P7	P7	P7	P7	P7	P7	P7	
*	Home Occupation	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18	
*	Home Industry	C			C	C	C						
	TEMPORARY LODGING:												
7011	Hotel/Motel (1)									P	P	P	
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10		
7041	Organization Hotel/Lodging Houses										P		
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see 21A.06.											

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:

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

(2) Only in the same building as the primary dwelling unit on:

(a) an urban lot that is less than five thousand square feet in area;

(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-))~~(c) a lot containing more than one primary dwelling;

(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 the dwelling units

shall not exceed one thousand square feet of heated floor area except when one of the dwelling units is wholly contained within a basement or attic; 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 a site zoned RA:

(a) 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 dwelling units is permitted a maximum floor area up to one thousand five hundred square feet; 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;

(7) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied; 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 approve 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.

b. 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.

c. Buildings for residential accessory uses in the RA and A zone shall not exceed five thousand square feet of gross floor area or, with a conditional use permit, fifteen 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:

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;

c. All units must be cottage housing units with no less than three units and no more than sixteen units, provided that 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; and

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

a. Not more than:

(1) One agricultural employee dwelling unit on a site under twenty acres;

(2) Two agricultural employee dwelling units on a site between twenty acres and fifty acres;

(3) Three agricultural employee dwelling units on a site greater than fifty acres and less than one-hundred acres; and

(4) On sites one-hundred acres and larger one additional agricultural employee dwelling unit for each additional one hundred acres;

b. The primary use of the site shall be agricultural in SIC Industry Group No. 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and Small Animals. If the primary use of

the site changes to a nonagricultural use, all agricultural employee dwelling units shall be removed;

c. 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;

d. 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;

e. One off-street parking space shall be provided for each agricultural employee dwelling unit; and

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

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

19. Only as part of a mixed use development subject to the conditions of K.C.C. chapter 21A.14, except on properties with an historic site identified in a state or federal register, a county historic property inventory or any combination thereof.

SECTION 16. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are each hereby amended to read as follows:

A. Manufacturing land uses.

KEY		RESOURCE			RURAL	RESIDENTIAL		COMMERCIAL/INDUSTRIAL									
P-Permitted Use	Z	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L	A		E		N	O	S	I	S	A	S		R

		T U R E			R E A		T I A L	R S H O D	T S Y	L S		I A L
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12 48	NB	CB	RB	O (11)
20	Food and Kindred Products	P1 C1	P1		P1 C1	P1			P2	P2	P2 C	P2 C
* /2082 /2085	Winery/ Brewery /Distillery	P3 C12			P3 C12	P3			P17	P17	P	P
*	Material s Processi ng Facility		P13 and 28C	P14 and 28 C15	P16 and 28 C							P
22	Textile Mill Products											C
23	Apparel and other Textile Products										C	P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6	P
25	Furniture and Fixtures		P19		P19						C	P
26	Paper and Allied Products											C
27	Printing and Publishi ng								P7	P7	P7C	P7 C
*	Marijuan a Processo r I	P20			P27					P21 C22	P21 C22	
*	Marijuan a Processo r II									P23 C24	P23 C24	P2 5 C2 6
28	Chemica ls and Allied Products											C
2911	Petroleu m Refining and Related Industrie s											C

[illegible]

39	Miscellaneous Light Manufacturing											C		P
*	Motor Vehicle and Bicycle Manufacturing													C
*	Aircraft, Ship and Boat Building													P1 0C
7534	Tire Retreading											C		P
781-82	Movie Production/Distribution											P		P
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38 Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06														

B. Development conditions.

1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;

b. In the A zone, only allowed on sites where the primary use is SIC industry Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small Animals;

c. In the RA and UR zones, only allowed on lots of at least four and one-half acres and only when accessory to an agricultural use;

d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section, the floor area devoted to all processing shall not exceed three thousand five hundred square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

(2) With a conditional use permit, up to five thousand square feet of floor area may be devoted to all processing; and

(3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to all processing shall not exceed seven thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

e. Structures and areas used for processing 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;

f. Processing is 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;

g. In the A zone, structures used for processing 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

h. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the floor area limitation in subsection B.1.d. of this section.

2. Except slaughterhouses.

3.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

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

c. In the RA and UR zones, only allowed on lots of at least four and one-half acres;

d. The floor area devoted to all processing shall not exceed three thousand five hundred square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

e. Structures and areas used for processing 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;

f. Sixty percent or more of the products processed must be grown in the Puget Sound counties. At

the time of the initial application, the applicant shall submit a projection of the source of products to be produced; and

g. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the floor area limitation in subsection B.3.c. of this section.

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

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

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

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

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

9. Only within enclosed buildings.

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

11. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. ((chapter 21A.12)) 21A.14.280.

12.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area of structures for wineries, breweries and distilleries and any accessory uses shall not exceed a total of eight thousand square feet. The floor area may be increased by up to an additional eight thousand square feet of underground storage that is constructed completely below natural grade, not including required exits and access points, if the underground storage is at least one foot below the surface and is not visible above ground; and

(2) On Vashon-Maury Island, the total floor area of structures for wineries, breweries and distilleries and any accessory uses may not exceed six thousand square feet, including underground storage;

c. Wineries, breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries, breweries and distilleries using water from exempt wells shall install a water meter;

d. Off-street parking is limited to one hundred and fifty percent of the minimum requirement for wineries, breweries or distilleries specified in K.C.C. 21A.18.030;

e. Structures and areas used for processing shall be set back a minimum distance of seventy-five feet from property lines adjacent to rural area and residential zones, unless the processing is located in a building designated as historic resource under K.C.C. chapter 20.62;

f. The minimum site area is four and one-half acres. If the total floor area of structures for wineries, breweries and distilleries and any accessory uses exceed six thousand square feet, including underground storage:

(1) the minimum site area is ten acres; and

(2) a minimum of two and one-half acres of the site shall be used for the growing of agricultural products;

g. The facility shall be limited to processing agricultural products and sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be processed; and

h. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the floor area limitation in subsection B.12.b. of this section.

13. 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 forestry use and at a scale appropriate to process the organic waste

generated on the site; or

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

14. 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 use; or

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

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

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

17.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

b. The floor area devoted to all processing shall not exceed three thousand five hundred square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62;

c. Structures and areas used for processing 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; and

d. Tasting of products produced on site may be provided in accordance with state law. The area devoted to tasting shall be included in the floor area limitation in subsection B.18.b. of this section.

18. Limited to:

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

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

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

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

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

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

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

b. SIC Industry No. 2411-Logging.

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

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

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

c. With a lighting plan, only if required by 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; and

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

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

b. With a lighting plan, only if required by 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 aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; 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.22. of this section.

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

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

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

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.

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

b. With a lighting plan, only if required by 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 aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; 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.24. of this section.

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

b. With a lighting plan, only if required by 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 aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of thirty thousand square feet.

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

b. 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

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

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

b. 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

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

27.a. Marijuana processors 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.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

b. Only with a lighting plan 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. Only allowed on lots of at least four and on-half acres on Vashon-Maury Island;

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

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

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

28. Subject to K.C.C. chapter 21A.22.

SECTION 17. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are each hereby amended to read as follows:

A. Regional land uses.

KEY		Z O N E	RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use			A	F	M	R	U R	U R	N B	C B	R B	O	I	
C-Conditional Use			G	O	I	U	R E	R E	E U	O U	E U	F	N	
S-Special Use			R	R	N	R	B S	B S	I S	M S	G S	F	D	
			I	E	E	A	A E	A I	G I	M I	I I	I	U	
			C	S	R	L	N R	N D	H N	U N	O N	C	S	
			U	T	A		V	E	B E	N E	N E	E	T	
			L		L		E	N	O S	I S	A S		R	
			T					T	R S	T S	L S		I	
			U					I	H	Y			A	
			R					A	O				L	
			E					L	O					
								D						
SIC#	SPECIFIC LAND USE		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail							S	S	S	S	S	S	S
*	Jail Farm/Camp		S	S		S	S							
*	Work Release Facility					S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility			S		S	S					S		P
*	Public Agency Training Facility			S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility			C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility		P25 C S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S

*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transportation Facility					P 27	P 27	P 27	P 27	P 27	P 27	P 27	P 27
*	Rural Public Infrastructure Maintenance Facility				C23								
*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort Facility				P26	P26	P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221-8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P	P	P	P	
*	Zoo Animal Breeding Facility	P16	P16		P16								

GENERAL CROSS REFERENCES:	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.40; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of specific land use, see K.C.C. chapter 21A.06.
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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.
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. Only as an accessory use of an agricultural anaerobic digester.

26. For transit division employees only.

27. Allowed as a permitted use inside the urban growth area; light rail facilities shall be exempt from setback and height requirements.

SECTION 18. Ordinance 16985, Section 109, and K.C.C. 21A.08.110 are each hereby amended to read as follows:

The ~~((permitted))~~ land uses allowed in this chapter ~~((are allowed within the shoreline jurisdiction except as amended by K.C.C. 21A.25.100))~~ shall comply with K.C.C. chapter 21A.25 if the use is located within the shoreline jurisdiction.

SECTION 19. Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040 are each hereby amended to read as follows:

A. Densities and dimensions - resource and commercial/industrial zones.

	ZONES	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOREST	MINE	RAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)		0.1 du/ac	.0286 du/ac	.0125 du/ac		8 du/ac	48 du/ac	36 du/ac 48 du/ac	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre						12 du/ac du/ac (1)	72 du/ac 96 du/ac	48 du/ac 72 du/ac 96 du/ac	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area		10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio		4 to 1	4 to 1							
Minimum Street Setback		30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback		10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height (10)		35 ft	35 ft	35 ft	35 ft	35 ft 45 65 ft (17)	35 ft 60 65 ft (17)	35 ft 65	45 ft 65 ft (6)	45 ft

Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

B. Development conditions.

1. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

2. These densities are allowed only through the application of mixed-use development standards and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.

3. These densities may only be achieved through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

4.a. in the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.

b. for lots between one acre and two and one half acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.

c. 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.

5. Gas station pump islands shall be placed no closer than twenty-five feet to street front lines.

6. This base height allowed only for mixed-use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.

7. Required on property lines adjoining rural area and residential zones.

8. Required on property lines adjoining rural area and residential zones for industrial uses established by conditional use permits.

9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C. chapter 21A.14.

10. Height limits may be increased if portions of the structure building that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed seventy-five feet only in mixed use developments. 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 requirement provided that the maximum height shall not exceed seventy-five feet.

11. Applicable only to lots containing ~~((less than))~~ up to one acre of lot area. Development on lots containing less than fifteen thousand square feet of lot area shall be governed by impervious surface standards of the nearest comparable R-4 through R-8 zone. Development on lots greater than one acre and less than three and one half acres shall be limited to fifteen thousand four hundred sixty square feet of impervious surface.

12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

13. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

14. Required on property lines adjoining rural area and residential zones unless a stand-alone townhouse development on property designated commercial outside of center in the urban area is proposed to be located adjacent to property upon which an existing townhouse development is located.

15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8. well-served by transit or for mixed-use development through the application of rural area and residential density incentives under K.C.C. 21A.34.040.F.1.g.

16. Only for mixed-use development 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. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

17. Only for mixed-use development through the application of residential density incentives 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. Upper-level setbacks are required for any facade facing a pedestrian street for any portion of the structure greater than forty-five feet in height. The upper level setback shall be at least one foot for every two feet of height above forty-five feet, up to a maximum required setback of fifteen feet. The first four feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

18. Required on property lines adjoining rural area and residential zones only for a social service agency office reusing a residential structure in existence on January 1, 2010.

19. On a site zoned A with a building designated as a county landmark in accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

SECTION 20. Ordinance 10870, Section 373, as amended, and K.C.C. 21A.14.130 are each hereby amended to read as follows:

A. For mixed use developments that utilize at least 25 percent of building square footage for residential uses in the NB zone and at least 50 percent of building square footage in the CB, RB or O zones, the building floor area to lot area ratio shall be as follows:

1. 1.5/1 in NB zones;
2. 3.5/1 in CB zones; and
3. 4.0/1 in RB and O zones;

B. Building floor area ratios of subsection A may be increased when all required parking is contained within a common parking structure, as follows:

1. 2.0/1 in NB zones;
2. 4.5/1 in CB zones; and

3. 5.0/1 in RB and O zones.

SECTION 21. Ordinance 10870, Section 392, as amended, and K.C.C. 21A.16.070 are each hereby amended to read as follows:

Parking area landscaping shall be provided within surface parking areas with ten or more parking stalls for the purpose of improving air quality, reducing surface water runoff, providing shade and diminishing the visual impacts of large paved areas as follows:

A. Residential developments with common parking areas shall provide planting areas at the rate of twenty square feet per parking stall;

B. Commercial, industrial or institutional developments shall provide landscaping at a rate of:

1. Twenty square feet per parking stall if ten to thirty parking stalls are provided; and
2. Twenty-five square feet per parking stall if thirty-one or more parking stalls are provided;

C. Trees shall be provided and distributed throughout the parking area at a rate of:

1. One tree for every three parking stalls for a commercial or industrial development; and
2. One tree for every five parking stalls for residential or institutional development;

D. The maximum distance between any parking stall and landscaping shall be no more than one hundred feet;

E. Permanent curbs or structural barriers such as stop blocks at each parking space shall be provided to protect the plantings from vehicle overhang. Gaps in the curbing or between stop blocks may be provided to allow stormwater runoff to drain into the planted area in locations where infiltration is feasible;

F. Landscaping around the perimeter of a site that is in addition to the perimeter landscaping required by K.C.C. 21A.16.050 may count toward ten percent of the required surface parking area landscaping if it is adjacent to the parking area; and

G. Parking area landscaping shall consist of bioretention areas or:

1. Conifers and ((€))canopy-type deciduous trees, evergreen trees, with at least half evergreen trees where feasible:
2. ((€))Evergreen shrubs and ground covers planted in islands or strips;
- ((2))3. Shrubs that do not exceed a maintained height of forty-two inches;
- ((3))4. Plantings contained in planting islands or strips having an area of at least one hundred square feet and with a narrow dimension of no less than five feet;
- ((4))5. Ground cover in accordance with K.C.C. 21A.16.090; and
- ((5))6. ((At least seventy percent of trees are deciduous)) Plant selection shall include natives or other plants adapted to the climatic, geologic and topographical conditions of the site. Preservation of existing noninvasive vegetation is encouraged.

SECTION 22. Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110 are each hereby amended to read as follows:

A. Off-street parking areas shall not be located more than six hundred feet from the building they are required to serve for all uses except those specified as follows; where an off-street parking area does not abut the building it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the parking spaces shall be located on the same lot they are required to serve;
2. For all other residential dwellings at least a portion of parking areas shall be located within one hundred fifty feet from the building or buildings they are required to serve;
3. For all nonresidential uses permitted in rural area and residential zones, the parking spaces shall be located on the site they are required to serve and at least a portion of parking areas shall be located within one hundred fifty feet from the nearest building entrance they are required to serve;
4. In designated activity, community business and neighborhood business centers, parking lots shall be

located to the rear or sides of buildings. Relief from this subsection A.4 may be granted by the director only if the applicant can demonstrate that there is no practical site design to meet this requirement. The director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings to be located to the front of buildings;

5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and

6. Parking for the disabled shall be provided in accordance with K.C.C. 21A.18.060.

B. The minimum parking space and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the director. Regardless of the parking angle, one-way aisles shall be at least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet six inches for a standard parking space design and eight feet for a compact car parking space design.

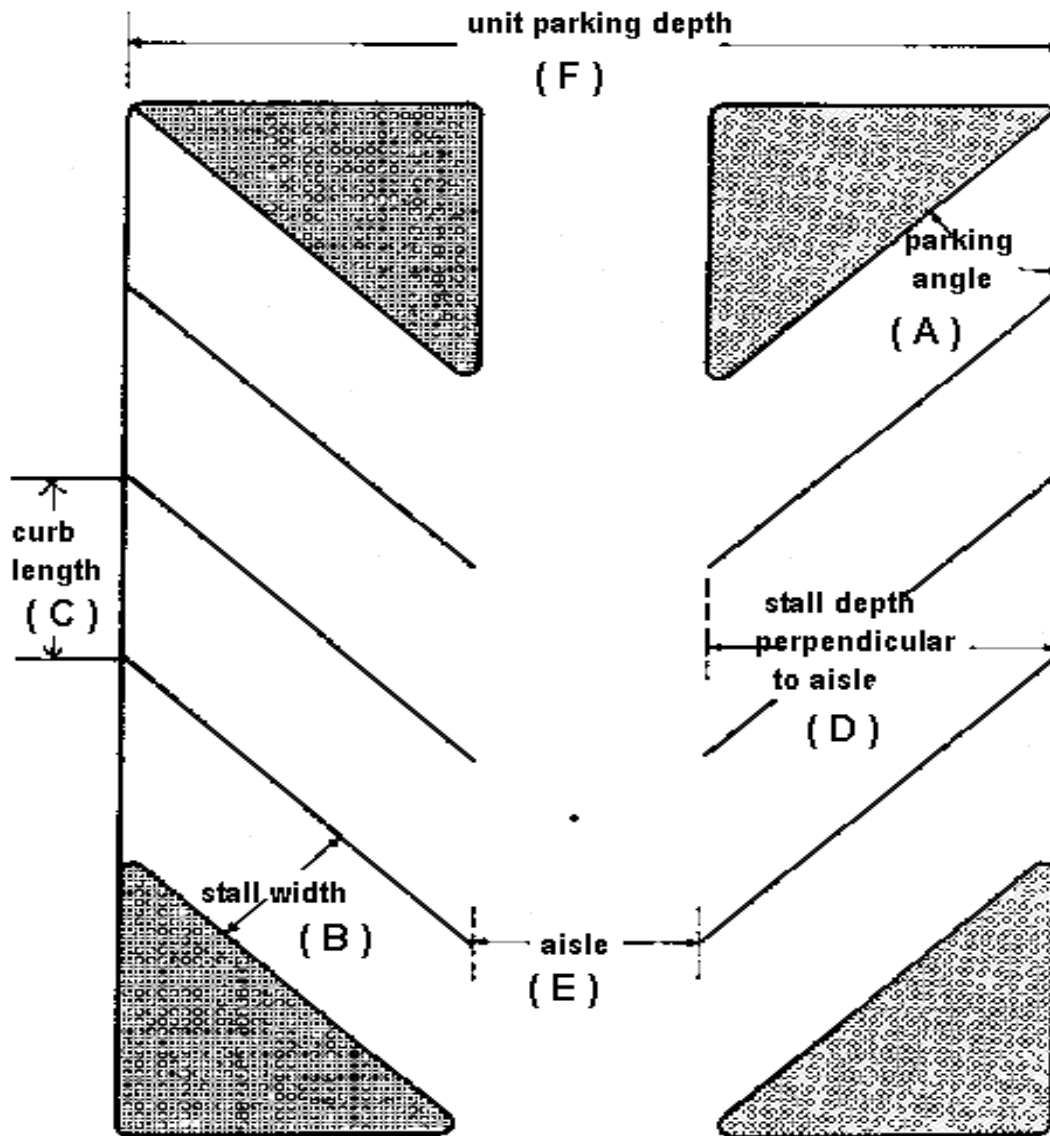
MINIMUM PARKING STALL AND AISLE DIMENSIONS

A	B	C	D	E	F
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH 1-WAY 2 -WAY	UNIT DEPTH 1-WAY 2- WAY
0 0	8.0* Min 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 20.0 12.0 20.0 12.0 20.0	** ** 29.0 37.0 30.0 38.0
30 30	8.0* Min 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 20.0 10.0 20.0 10.0 20.0	** ** 42.0 53.0 44.0 54.0
45 45	8.0* Min 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 20.0 12.0 20.0 12.0 20.0	** ** 50.0 58.0 51.0 59.0
60 60	8.0* Min 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 20.0 18.0 20.0 18.0 20.0	** ** 58.0 60.0 60.0 62.0
90	8.0* Min 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 18.0 18.0	24.0 24.0 24.0 24.0 23.0 24.0	** ** 60.0 60.0 60.0 60.0

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



C. Any

parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

D. The parking stall depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheelstops or curbs are installed;
2. The remaining walkway provides a minimum of forty-eight inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of eighteen inches; and
4. Landscaping is designed in accordance with K.C.C. 21A.16.070.E.

E. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with K.C.C. chapter 14.42, Road Standards. Driveways for

single detached dwellings, no more than twenty feet in width, may cross required setbacks or landscaped areas to provide access between the off-street parking areas and the street, provided no more than fifteen percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas to provide access between the off-street parking areas and the street, if no more than ten percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.

F. Parking spaces required under this title shall be located as follows:

1. For single detached dwelling units the required parking spaces shall be outside of any required setbacks or landscaping, but driveways crossing setbacks and required landscaping may be used for parking. However, if the driveway is a joint use driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or parking spaces;

2. For all other developments parking spaces may be permitted by the director in setback areas in accordance with an approved landscape plan; and

3. For nonresidential uses in rural area and residential zones, parking is permitted in setback areas in accordance with K.C.C. 21A.12.220.

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be designed to minimize direct illumination of abutting properties and adjacent streets. The director shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential developments. Apartment or townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

I. All vehicle parking and storage for single detached dwellings must be in a garage, carport or on an approved ((impervious)) surface. Any ((impervious)) surface used for vehicle parking or storage must have

direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a building on a single family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall not exceed six vehicles on lots that are twelve thousand five hundred square feet or less and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

K. Vanpool and carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet three inches shall be provided to accommodate van vehicles if designated vanpool and carpool parking spaces are located in a parking structure; and
2. A minimum turning radius of twenty-six feet four inches with a minimum turning diameter, curb to curb, of fifty-two feet five inches shall be provided from parking aisles to adjacent vanpool and carpool parking spaces.

L. Direct access from the street right-of-way to off-street parking areas shall be subject to K.C.C.

21A.28.120.

M. No dead-end alley may provide access to more than eight off-street parking spaces.

N. Any parking stalls located in enclosed buildings must be totally within the enclosed building.

SECTION 23. Ordinance 10870, Section 420, and K.C.C. 21A.20.020 are each hereby amended to read as follows:

A. Except as otherwise permitted by this chapter, no sign shall be erected, altered or relocated without approval by the county.

B. No building permit shall be required for repainting, cleaning, or other normal maintenance and repair of a sign, or for sign face and copy changes that do not alter the size or structure of the sign.

C. For the purposes of this section, “sign” is defined by K.C.C. 21A.06.1085.

SECTION 24. Ordinance 10870, Section 422, as amended, and K.C.C. 21A.20.040 are each hereby amended to read as follows:

Except as otherwise specifically allowed by this chapter, the following signs or displays are prohibited:

A. Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under K.C.C. 21A.20.120;

B. Private signs on utility poles;

C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with traffic control signs or signals;

D. Signs located in the public right-of-way, unless allowed under a special use permit approved by the department of transportation; and

E. Posters, pennants, string of lights, blinking lights, balloons, searchlights and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in K.C.C. 21A.20.120 as grand opening displays.

F. Changing message center signs.

SECTION 25. Ordinance 10870, Section 427, as amended, and K.C.C. 21A.20.080 are each hereby amended to read as follows:

Except as otherwise provided in K.C.C. 21A.20.115, signs in the R, UR and RA zones are limited as follows:

A. Nonresidential use:

1. One indirectly illuminated sign identifying nonresidential uses, not exceeding twenty-five square feet and not exceeding six feet in height is permitted, except as provided in subsection A.3. of this section((;)).

2. ~~((Schools are permitted one sign per school or school facility entrance, which may be located in the setback. Two additional wall signs attached directly to the school or school facility are permitted. Changing message center signs, if allowed under K.C.C. 21A.20.060, shall be limited to hours of operation between 7a.m. and 10 p.m.; and~~

3-)) In lieu of the sign allowed under subsection A.1. of this section, one nonilluminated sign may be attached or painted on the sloping portion of a roof of a building located within one hundred feet of a state route as follows:

- a. each sign shall not exceed fifty square feet in area and six feet in height;
- b. each sign, and its mounting brackets, attached to the sloping surface of a roof shall not extend above the roof ridge line portion of the roof upon which the sign is attached; and
- c. no more than two signs may be attached or painted on the roof.

B. Residential use:

1. One residential identification sign not exceeding two square feet is permitted;
2. One permanent residential development identification sign not exceeding thirty-two square feet is permitted for each entrance into a development. The maximum height for the sign shall be six feet. The sign may be freestanding or mounted on a wall, fence or other structure; and
3. Home occupation and home industry signs are limited to:
 - a. one nonilluminated wall sign not exceeding ten percent of the building façade on which they are located; and
 - b. in the RA zone, one nonilluminated freestanding sign not exceeding twenty-four square feet and a maximum height of six feet.

C. Schools:

Schools are permitted one sign per school or school facility entrance, which may be located in the setback. Two additional wall signs attached directly to the school or school facility are permitted. Changing message center signs, if allowed under K.C.C. 21A.20.060, shall be limited to hours of operation between 7a.m. and 10 p.m.

SECTION 26. Ordinance 10870, Section 538, and K.C.C. 21A.32.010 are each hereby amended to read as follows:

The purposes of this chapter are to:

- A. Establish the legal status of a ~~((nonconformance))~~ nonconforming use or structure by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated;
- B. Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use; and
- C. Encourage the adaptive ~~((re-use))~~ reuse of existing public facilities which will continue to serve the community, and to ensure public review of redevelopment plans by allowing:
 1. Temporary ~~((re-use))~~ reuse of closed public school facilities retained in school district ownership, and the reconversion of a temporary ~~((re-use))~~ reuse back to a school use;
 2. Permanent ~~((re-use))~~ reuse of surplus nonresidential facilities (e.g. schools, fire stations, government facilities) not retained in school district ownership; or
 3. Permanent ~~((re-use))~~ reuse of historic structures listed on the National Register or designated as county landmarks.

SECTION 27. Ordinance 10870, Section 539, as amended, and K.C.C. 21A.32.020 are each hereby amended to read as follows:

- A. With the exception of nonconforming ~~((extractive))~~ operations ~~((identified in))~~ regulated by K.C.C. chapter 21A.22, all nonconformances shall be subject to the provisions of this chapter.
- B. This chapter does not supersede or relieve a property owner from compliance with:
 1. The International Building and Fire Codes as adopted by the state of Washington and King County;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 28. Ordinance 13130, Section 2, as amended, and K.C.C. 21A.32.025 are each hereby

amended to read as follows:

~~((A nonconforming use, structure or improvement may be continued))~~ If an applicant can show that the use or structure was lawfully established and maintained before a change in zoning regulations that rendered the use or structure unlawful, a nonconforming use or structure may be recognized by the department. Once the nonconforming use or structure established, the applicant may maintain the use or structure in a manner consistent with this chapter. ~~((However, nonconformance status is forfeited if the nonconforming use, structure or improvement is discontinued beyond the provisions of K.C.C. 21A.32.045. Once nonconformance status is forfeited, the nonconforming use, structure or improvement shall not be reestablished.))~~ The applicant shall discontinue or terminate any use or structure not lawfully established which shall be deemed illegal and is subject to removal under K.C.C. Title 23.

NEW SECTION. SECTION 29. A new section is hereby added to K.C.C. chapter 21A.32 to read as follows:

When a nonconforming use, structure or other site improvements is vacated for twelve consecutive months, its nonconforming status will be deemed terminated and any future use or development shall be in conformance with all regulations of the zoning district in which the use or structure is located.

SECTION 30. Ordinance 12130, Section 3, as amended, and K.C.C. 21A.32.045 are each hereby amended to read as follows:

A nonconforming use or structure that has not been terminated, but has been discontinued ~~((or a nonconforming structure or site improvement that has been))~~, damaged or destroyed, may be reestablished or reconstructed if:

- A. The nonconforming use~~((;))~~ or structure ~~((or site improvement))~~ that previously existed is not expanded;
- B. A new type of nonconformance is not created;
- C.~~((1. The use has not been discontinued for more than twelve months before its reestablishment, or the~~

~~nonconforming structure or site improvement is reconstructed in accordance with a complete permit application submitted to the department within twelve months of the occurrence of damage or destruction; or~~

~~2. If the use has been discontinued for more than twelve months, the applicant provides documentation that demonstrates to the satisfaction of the department that there was no intent to abandon the use. Documentation may include, but is not limited to, requests for approvals necessary to reestablish the use or structure submitted to appropriate county, state and federal agencies within twelve months after the use was discontinued. A statement from the property owner that merely states that there is no intent to abandon is not sufficient documentation without a showing of additional actions taken by the property owner to reestablish the use or structure; and~~

~~D.)) A nonconforming use, structure or site improvement located within the shoreline jurisdiction that is damaged or destroyed more than fifty percent of its fair market value at present or at the time of its destruction may be reconstructed only insofar as it is consistent with existing shoreline regulations.~~

SECTION 31. Ordinance 13130, Section 4, as amended, and K.C.C. 21A.32.055 are each hereby amended to read as follows:

Modifications to a nonconforming use(~~(;))~~ or structure (~~((or site improvement))~~) may be reviewed and approved by the department (~~((pursuant to))~~) in accordance with the code compliance review process of K.C.C. 21A.42.030 (~~((provided that))~~), but only if:

- A. The modification does not expand any existing nonconformance; and
- B. The modification does not create a new type of nonconformance.

SECTION 32. Ordinance 13130, Section 5, as amended, and K.C.C. 21A.32.065 are each hereby amended to read as follows;

~~((A nonconforming use, structure, or site improvement may be expanded as follows:))~~

A. The department may review and approve, (~~((pursuant to))~~) in accordance with the code compliance process of K.C.C. 21A.42.030, an expansion of a nonconformance only if:

1. The expansion conforms to all other provisions of this title~~((, except that the))~~;

2. The extent of ~~((the))~~ project-wide nonconformance in each of the following categories may be ~~((increased))~~ expanded only up to ten percent:

- a. building square footage,
- b. impervious surface,
- c. parking, or
- d. building height~~((; and))~~.

~~((2.))~~ B. No subsequent expansion of the same nonconformance shall be approved under this subsection ~~((if the cumulative amount of such expansion exceeds the percentage prescribed in subsection A.1))~~;

~~((B.))~~ C. A special use permit shall be required for expansions of a nonconformance within a development authorized by an existing special use or unclassified use permit if the expansions are not consistent with subsection A. of this section~~((;))~~.

~~((C.))~~ D. A conditional use permit shall be required for expansions of a nonconformance:

1. Within a development authorized by an existing planned unit development approval; or
2. Not consistent with the provisions of subsections A. and B. of this section~~((; and))~~.

~~((D.))~~ E. No expansion shall be approved that would allow for urban growth outside the urban growth area~~((;))~~ and would be in conflict with King County Comprehensive Plan rural and natural resource policies ~~((and constitute impermissible urban growth outside an urban growth area))~~.

SECTION 33. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each hereby amended to read as follows:

Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45, temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for one year from the date of issuance and may be

renewed annually as provided in subsection D. of this section;

B. The temporary use shall not exceed a total of sixty days in any three-hundred and sixty five day period. This requirement applies only to the days that the event or events actually take place. For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per month and all parking for the events must be accommodated on site;

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit may be renewed annually for up to a total of five consecutive years as follows:

1. The applicant shall make a written request and pay the applicable permit extension fees for renewal of the temporary use permit at least seventy days before the end of the permit period;

2. The department must determine that the temporary use is being conducted in compliance with the conditions of the temporary use permit;

3. The department must determine that site conditions have not changed since the original temporary permit was issued; and

4. At least forty-five days before the end of the permit period, the department shall notify property owners within five hundred feet of the property boundaries that a temporary use permit extension has been requested and contact information to request additional information or to provide comments on the proposed extension. Notice may be in the form of a postcard and provision of a map on the department's website.

SECTION 34. Ordinance 17485, Section 43, and K.C.C. 21A.38.260 are each 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. ((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; and

(C) Residential use shall be allowed on all floors of landmarked buildings on the King County

historic register;

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:

i. As a permitted use:

(A) Library;

(B) Museum; and

(C) Arboretum.

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.

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((:)); and

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~~)) nonresidential 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~~)) nonresidential 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.

SECTION 35. Ordinance 13263, Section 6, as amended, and K.C.C. 23.02.050 are each hereby amended to read as follows:

A department may adopt public rules under K.C.C. chapter 2.98 consistent with the following guidelines that set forth priorities for responding to code compliance complaints:

A. High(())-risk investigations needing an urgent response including cases in which:

1. There is an imminent likelihood of or actual bodily harm, damage to public resources or facilities, damage to real or personal property, public health exposure, or environmental damage or contamination; or

2. The sites or persons responsible for code compliance have a history of prior high or moderate(())-risk violations.

B. Moderate(())-risk investigations needing a prompt response including cases in which:

((a-)) 1. ((t))There is risk of bodily harm, damage to public resources or facilities, damage to real or personal property, or environmental damage or contamination;

((b-)) 2. ((t))The subject sites or persons responsible for code compliance have a history of prior low(())-risk violations;

((c-)) 3. ((t))There are ongoing moderate or low(())-risk violations; or

((d-)) 4. ((m))More than five wrecked, dismantled or inoperative vehicles are found.

((3-)) C. Low(())-risk investigations needing response as time permits including cases in which:

((a-)) 1. ((t))The violation is ((non-emergent)) nonemergent, does not fit within the high(())-risk or moderate risk categories and has only minor public impacts; or

((b-)) 2. ((t))The violation is an isolated incident.

((B-)) D. The priorities set forth in this section are not jurisdictional and failure to meet them in any particular case shall not affect the county's authority to enforce county code provisions with regard to that case.

SECTION 36. Ordinance 14259, Section 4, as amended, and K.C.C. 16.82.052 are each hereby repealed.

SECTION 37. Ordinance 10870, Section 541, and K.C.C. 21A.32.040 are each hereby repealed.

SECTION 38. Ordinance 13130, Section 12, as amended, and K.C.C. 21A.32.085 are each hereby repealed.

SECTION 39. 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.