



Legislation Text

File #: 2023-0263, **Version:** 3

AN ORDINANCE relating to energy storage systems; amending Ordinance 10870, Section 43, as amended, and K.C.C. 21A.06.015, Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020, Ordinance 10870, Section 45, as amended, and K.C.C. 21A.06.025, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100, Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170, Ordinance 10870, Section 359, as amended, and K.C.C. 21A.12.220, Ordinance 10870, Section 388, as amended, and K.C.C. 21A.16.030, Ordinance 10870, Section 390, as amended, and K.C.C. 21A.16.050, Ordinance 10870, Section 391, as amended, and K.C.C. 21A.16.060, and Ordinance 12020, Section 17, as amended, and K.C.C. 27A.30.060, adding a new section to K.C.C. chapter 21A.06, and adding a new chapter to K.C.C. Title 21A.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Battery energy storage systems play a crucial role in modern energy supply by providing efficient and flexible storage for electricity generated from renewable energy sources, such as solar and wind power. They help address the intermittent nature of these sources by storing excess electricity

during times of low demand and releasing it when demand is high. That enhances grid stability and reliability when implemented on a region-wide scale, and increases the reliability of electricity supply for individual uses when installed to back up consumer-scale renewable energy generation systems.

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

C. King County strives to be a leader in battery energy storage system deployment. By making renewable energy sources more reliable, battery energy storage systems are important in helping King County meet its Strategic Climate Action Plan goal of reducing greenhouse gas emissions in the county by eighty percent by 2050. To this end, the 2020 Strategic Climate Action Plan sets a target of building one hundred megawatts of battery energy storage per utility serving King County by 2030, and 200 megawatts of battery energy storage per utility serving King County by 2045. Battery energy storage can play an important role in meeting the requirements of the state's Clean Energy Transformation Act - net neutral greenhouse gas emissions by 2030 and one hundred percent clean electricity by 2045 - reliably and cost effectively. Batteries help bridge the gap in peak demand hours when the sun is not shining and the wind is not blowing by supporting a more flexible and resilient electricity system. King County has already demonstrated its commitment to deploying battery energy storage systems by installing a 10-megawatt system at its West Point wastewater treatment plant. The system will make the county's wastewater treatment system resilient to voltage sags that have caused major disruptions to the plant's operation in the past, and demonstrate the technology's viability, safety, and importance to a clean, efficient, and resilient energy system.

D. To meet the county's battery storage deployment target and the county's overall climate goals, it is important that battery energy storage systems be deployed at all scales, from accessory residential uses of a few

kilowatts up to utility-scale systems of 100 or more megawatts. Those larger systems consisting of hundreds of megawatts require large sites that are typically only found in the rural area and natural resource lands. This ordinance advances these Strategic Climate Action Plan priorities by making battery energy storage systems of all scales an allowed use on nearly ninety-seven percent of the county's unincorporated land area.

E. The remaining three percent of the county's unincorporated land area is made up of agricultural lands. Being the most urban county in the state, King County has very little agricultural land, nearly all of which is protected as agricultural land of long-term significance for the commercial production of food or other agricultural products under the Growth Management Act and RCW 36.70A.170. That land contains rich agricultural soils, which are a precious and finite resource.

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

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

H. While battery energy storage systems offer the advantages cited in subsections A. through E. of this section, there are also potential risks associated with the technology. Thermal incidents have

been reported at battery energy storage facilities in the United States and abroad.

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

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

K. It is also important that battery energy storage system operators have clear emergency response plans if a thermal event occurs. State law requires fire safety and evacuation plans be in place before commissioning of a battery energy storage system facility. Those plans and their execution protect the community, the environment, and first responders if there is a thermal event at a facility. This ordinance further requires confirmation that the plans have been shared with the local fire jurisdiction to ensure that there is close coordination between the operator and first responders.

L. Additionally, it is important that battery energy storage system operators have both a plan and financial capacity for decommissioning the system and removing it from the site. State law requires that the decommissioning plan take into account both decommissioning after the normal course of the system's life, as well as decommissioning after a thermal event. Although state law requires a

decommissioning plan, it does not guarantee that the operator will have the financial capacity to complete decommissioning and site cleanup. This ordinance therefore requires applicants to carry and maintain financial responsibility sufficient to complete the decommissioning of the battery energy storage system, including removal of all equipment from the site, and completion of any necessary cleanup. After removal from the site, the Washington Administrative Code prescribes the waste disposal processes that must be followed when disposing of the batteries.

M. In their "Battery Energy Storage Systems" article in the March 2024 edition of the American Planning Association's Zoning Practice magazine, Brian Ross, AICP, and Monika Vadali, PhD, analyzed several zoning ordinances addressing battery energy storage systems, and identified best practices. Pacific Northwest National Laboratory also published a paper in October 2023, titled "Energy Storage in Local Zoning Ordinances," which identified potential impacts from battery energy storage systems and their implications for zoning standards. Taken together, this ordinance, existing county regulations, and state law address all the best practices and potential impacts identified in those articles.

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

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

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

H. Consumer-scale renewable energy systems; and

I. Battery energy storage systems meeting the requirements of K.C.C. 21A.08.060.B.41.

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

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

A. Accessory living quarters and dwellings;

B. Fallout or bomb shelters;

C. Keeping household pets or operating a hobby cattery or hobby kennel;

D. On-site rental office;

E. Pools, private docks, or piers;

F. Antennae for private telecommunication services;

G. Storage of yard maintenance equipment;

H. Storage of private vehicles, such as motor vehicles, boats, trailers, or planes;

I. Greenhouses;

J. Recreation space areas required under K.C.C. 21A.14.180 and play areas required under K.C.C. 21A.14.190;

K. Home occupations and home industries under K.C.C. chapter 21A.30; (~~and~~)

L. Consumer-scale renewable energy systems; and

M. Battery energy storage systems meeting the requirements of K.C.C. 21A.08.030.B.7.

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

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

A. Housing of agricultural workers;

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

C. Consumer-scale renewable energy systems; and

D. Battery energy storage systems meeting the requirements of K.C.C. 21A.08.090.B.

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

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

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

A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURALL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIF. USE	A	F	M	RA	UR	R18	R12-48	NI	CI	RI	O	I
	DWELL TYPES:												
*	Single Dw	P C1 2	P 2		P C1 2	P C1 2	P C1	P C1 2	P1				
*	Townhou				C4	C4	P1 C1	P	P3	P3	P3	P3	
*	Apartme				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile H				S1 3		C8	P					
*	Cottage I						P1:						
	GROUP RESIDE												
*	Commun Facility-I				C	C	P1: .a C	P	P3	P3	P3	P3	
*	Commun Facility-I						P1: .b	P	P3	P3	P3	P3	
*	Dormitor				C6	C6	C6	P					

*	Senior Ci Housing					P4	P4	P	P3	P3	P3	P3	
	ACCESS												
*	Residenti Uses	P7	P 7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home Oc	P1 8	P 1 8		P1 8	P1 8	P1 8	P1 8	P1	P1	P1	P1	
*	Home In	C			C	C	C						
	TEMPO LODGE												
7011	Hotel/Mc									P	P	P	
*	Bed and Guesthou	P9			P9	P9	P9	P9	P9	P1	P1		
7041	Organiza Hotel/Lo						P1				P		

B. Development conditions.

1. Except bed and breakfast guesthouses.

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

a. Site disturbance associated with development of any new residence shall be limited to three acres.

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

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

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

3. Only as part of a mixed use development subject to the conditions of K.C.C. chapter 21A.14, except that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban

areas, stand-alone townhouse developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and 21A.14.180.

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

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

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

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

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

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

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

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

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

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

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

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

5 zoned lot that is two and one-half acres or greater;

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

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

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

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

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

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

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

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

(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 approves any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules;

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

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

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

b. Accessory living quarters:

(1) are limited to one per lot;

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

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

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

(5) are not allowed in the F zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.a. Limited to domestic violence shelter facilities.

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

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

a. Developments shall contain only cottage housing units with no fewer than three units. If the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B.;

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

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

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

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

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

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

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

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

SECTION 7. Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060 are each hereby amended as follows:

A. Government/business services land uses.

P-Permitted Use (Conditional Use S Special Use		RESOURCE			RURAL		RESIDENTIAL		COMMERCIAL/INDUSTRIAL				
SIC#	SPECIAL USE	A	F	M	RA	UR	R1-8	R12-48	NI	CI	RI	O	I (3)
	GOVERNMENT SERVICE												
*	Public office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public yard				P27	P27	P27	P27			P		P
*	Public										P	P	P
921	Court									P4	P	P	
9221	Police				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire				C6 and 33	C6	C6	C6	P	P	P	P	P

*	Utility I	P2 9 C 28	P2 9 C 28	P2 9 C 28	P2 9 C2 8 and 33	P29 C28	P2 9 C2 8	P2 9 C2 8	P	P	P	P	P
*	Commu				C 33 P1 9	C P19	C P1 9	C 19	P	P	P	P	P3 5
*	Private Manage	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Facility	P	P	P	P1 8	P18	P1 8	P1 8	P3	P3	P3	P3 1	P
	BUSIN SERVI												
*	Constru				P3 4						P	P9	P
*	Individu Transpc									P2	P	P1 0	P
421	Truckin Service									P1	P1	P1 3	P
*	Wareho Wholes												P
*	Self-ser							P1 4	P3	P	P	P	P
4221 4222	Farm P1 Wareho Refrige; Storage												P
*	Log Sto		P		P2 6 and 33								P
47	Transpc												P3 9
473	Freight Service										P	P	P
472	Passeng Transpc									P	P	P	
48	Commu										P	P	P
482	Telegra Commu									P	P	P	P
*	General Service								P	P	P	P	P1 6
*	Professi								P	P	P	P	P1 6
7312	Outdoo Service										P	P1 7	P
735	Miscell Equipm									P1	P	P1 7	P
751	Automc Leasing									P	P		P
752	Automc								P2 a	P2	P2	P2 0a	P

*	Off-Street Parking				P3 2	P32	P3 2	P3 2	P3	P3	P3	P3 2	P3 2
7941	Professional Teams/										P	P	
873	Research and Test										P2	P2	P2
*	Heavy Industrial Truck Repair												P
	ACCESS												
*	Commercial Access			P 41	P2 2 P4 1				P2 P4	P2 P4	P4	P 41	P 41
*	Helicopter				40	C23	C2 33	C2 3	C2 3	C2	C2	C2 3	C2 4

B. Development conditions.

1. Except self-service storage.
2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and Educational Research, see general business service/office.
 - 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility subject to K.C.C. chapter 21A.32; or
 - b. only when accessory to a fire facility and the office is no greater than one thousand five hundred square feet of floor area.
 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
 5. New utility office locations only if there is no commercial/industrial zoning in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no feasible alternative location is possible, and provided further that this condition applies to the UR zone only if the property is located within a designated unincorporated Rural Town.
 - 6.a. All buildings and structures shall maintain a minimum distance of twenty feet from property lines adjoining rural area and residential zones;
 - b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of thirty-five feet from such street;

c. No outdoor storage; and

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

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

a. holding cells;

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

c. long-term storage of stolen properties.

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

9. No outdoor storage of materials.

10. Limited to office uses.

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

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

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

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

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

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

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

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

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

f. No residential occupancy of the storage units;

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

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

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

15. Repealed.

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

17. No outdoor storage.

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

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

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

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

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

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

(3) limited to no more than ten vehicles.

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

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

used in the fabrication of commodities sold on the premises.

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

24. Allowed as accessory to an allowed use.

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

26. Limited to two acres or less.

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

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

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

29. Excluding local distribution gas storage tanks.

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

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

32. Provided:

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

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

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

the off-street parking will serve.

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

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

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

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

36. Repealed.

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

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

39. Excluding fossil fuel facilities.

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

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

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

b. the system is intended primarily for on-site use, but also participates in load sharing or another

grid-connected electricity-sharing arrangement.

SECTION 8. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are hereby amended to read as follows:

A. Manufacturing land uses.

SIC #	SPEC USE	RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M		RA	UR	R1 -8	R12 -48	NB	CB	RB	O	I (11)
20	Food & Product								P2	P2	P2		P2
*	Winery Facility				P32								
*	Winery Facility	P3			P3 C30				P17	P17	P29		P31
	Winery Facility	C12			C12				C25	C25	C25		C31
*	Material Facility		P13 C	P14 C15	P16 C								P
22	Textile												C
23	Apparel Textile										C		P
24	Wood furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture		P19		P19						C		P
26	Paper Product												C
27	Printing								P7	P7	P7C	P7C	P
*	Marijuana	P20			P27					P21 C22	P21 C22		
*	Marijuana									P23 C24	P23 C24		P25 C26
28	Chemical Product												C
291	Petroleum Related												C
30	Rubber Plastic												C
31	Leather Goods										C		P
32	Stone, Concrete									P6	P9		P
33	Primary Industry												C
34	Fabric Product												P
35	Industry Commercial												P

351-55	Heavy Equip												C
357	Comp Equip										C	C	P
36	Electr Electri										C		P
374	Railro												C
376	Guides Space												C
379	Miscel Transp												C
38	Measu Contr										C	C	P
39	Miscel Manuf										C		P
*	Motor Bicycl												C
*	Aircra Buildi												P10 C
7534	Tire R										C		P
781-82	Movie Produc										P		P

B. Development conditions.

1. Repealed.

2. Except slaughterhouses.

3.a. 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;

b. Only allowed on lots of at least two and one-half acres, except that this requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of at least two acres;

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

and five thousand square feet in the A zone. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;

d. Structures and parking areas for winery, brewery, distillery facility uses shall maintain a minimum distance of seventy-five feet from interior property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62, except that on Vashon-Maury Island this setback requirement shall not apply to structures and parking areas in use on December 4, 2019, by existing winery, brewery or distillery business locations licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019;

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

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

g. In the A zone, structures and area for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for 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. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;

h. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation on

tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island to winery, brewery, or distillery business locations in use and licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites in the RA zone that contain a building designated as historic resource under K.C.C. chapter 20.62. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection B.3. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

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

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

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

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

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.
- 12.a. 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;
 - b. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall not exceed a total of eight thousand square feet. Decks that are not occupied and not open to the public are excluded from the calculation for maximum aggregated floor area;
 - c. Only allowed on lots of at least four and one-half acres. If the aggregated floor area of structures for winery, brewery, distillery uses exceeds six thousand square feet, the minimum site area shall be ten acres;
 - d. 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, and must connect to an existing Group A water system. The definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;
 - e. Structures and parking areas for winery, brewery distillery facility uses shall maintain a minimum distance of seventy-five feet from interior 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. In the A Zone, sixty percent or more of the products processed must be grown on-site. At the time of the initial application under K.C.C. chapter 6.74, the applicant shall submit a projection of the source of products to be processed;

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

h. In the A zone, structures and areas for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for 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. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;

i. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.12.b. and c. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

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

- l. The business operator shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74;
 - m. Events may be allowed with an approved temporary use permit under K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and
 - n. The impervious surface associated with the winery, brewery, distillery facility use shall not exceed twenty-five percent of the site, or the maximum impervious surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.
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. The aggregated floor area of structures and areas for winery, brewery, distillery facility uses shall

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

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

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

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

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

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

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;

(5) 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

(6) 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;

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

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))~~H.;

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.))~~H.; 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.))~~H.;

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))~~H;

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))~~H;

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))~~H;

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 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)~~H;

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. If the food and kindred products manufacturing or processing is associated with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

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

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

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

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

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

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

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

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

d. Tasting and retail sales of products produced on-site may only occur as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and

shall be included in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales of merchandise related to the products produced on-site is allowed subject to the restrictions described in this subsection. Hours of operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

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

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

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

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

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

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

31.a. Limited to businesses with non-retail brewery and distillery production licenses from the Washington state Liquor and Cannabis board. Wineries and remote tasting rooms for wineries shall not be allowed;

b. Tasting and retail sale of products produced on-site and merchandise related to the products produced on-site may be provided in accordance with state law. The area devoted to on-site tasting or retail

sales shall not exceed one thousand five hundred square feet;

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

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

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

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

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

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

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

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

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

site shall include crushing, fermenting or distilling;

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

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

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

SECTION 9. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are each hereby amended as follows:

A. Resource land uses.

P-Permitted Use C- Conditional Use S-Spe		RESOURCE			R U R A L	RESIDENTI AL			COMMERCIAL/INDUS TRIAL				
SIC#	SPECIFIC USE	A	F	M	RA	UR	R 1- 8	R1 2- 48	NI	CI	RI	O	I
12	Coal Mini												
13	Oil and Gas Extraction												
	AGRICU												
01	Growing a Harvesting	P	P		P	P	P						P
02	Raising Li and Small (6)	P	P		P	P							P
*	Agricultur Activities	P2 4C	P2 4 C		P2 4C	P2 C							
*	Agricultur Services	P2 5C	P2 5 C		P2 6C	P2 C	P2 6 C		P2 C2	P2 C2			
*	Marijuana	P1 5 C2 2			P1 6 C1 7					P1 C1	P1 C1		P2 0 C2 1
*	Agricultur Facility	C1 0											
*	Agricultur special ne	P1 2											
*	Agricultur Anaerobic	P1 3											
	FOREST												

08	Growing & Harvesting Production	P	P	P7	P	P	P						P
*	Forest Res		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT												
0921	Hatchery/ Preserve (	P	P		P	P	C						P
0273	Aquaculture	P	P		P	P	C						P
*	Wildlife S	P	P		P	P							
	MINERAL												
10, 14	Mineral Extraction and Processing		P9 C	P C 11									
2951, 327 3273	Asphalt/Concrete Mixtures &		P8 C 11	P8 C 11									P
	ACCESSORY USES:												
*	Resource Uses	P3 P2 3 P2 2	P4 P2 9	P5 P2 9	P3 P2 9	P3 P2C							P4 P2 9
*	Farm Worker Housing	P1 4			P1 4								

B. Development conditions.

1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Farm residences in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. Allowed in accordance with K.C.C. chapter 21A.30.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. Only on the same lot or same group of lots under common ownership or documented legal control,

which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:

- a. as accessory to a primary mineral extraction use;
- b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
- c. for a public works project under a temporary grading permit issued in accordance with K.C.C.

16.82.152.

9. Limited to mineral extraction and processing:

- a. on a lot or group of lots under common ownership or documented legal control, which includes but is not limited to, fee simple ownership, a long-term lease or an easement;
 - b. that are located greater than one-quarter mile from an established residence; and
 - c. that do not use local access streets that abut lots developed for residential use.

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

- a. The impervious surface associated with the agriculture training facilities shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;
- b. New or the expansion of existing structures, or other site improvements, shall not be located on class 1, 2 or 3 soils;
- c. The director may require reuse of surplus structures to the maximum extent practical;
- d. The director may require the clustering of new structures with existing structures;
- e. New structures or other site improvements shall be set back a minimum distance of seventy-five feet from property lines adjoining rural area and residential zones;
- f. Bulk and design of structures shall be compatible with the architectural style of the surrounding agricultural community;
- g. New sewers shall not be extended to the site;

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

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

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

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

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

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

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

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

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

shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

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

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

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

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

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

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

h. Camp facilities may be used to provide agricultural educational services to the surrounding rural and agricultural community or for community events. If required by K.C.C. chapter 21A.32, the property

owner shall obtain a temporary use permit for community events;

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

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

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

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

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

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

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

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

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

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

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

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles are part of an agricultural activity or are being used for the transportation of campers, camp personnel, or the

families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and

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

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

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

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

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

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

14. Farm worker housing. Either:

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

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

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

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

(4) The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the housing as temporary farm worker

housing and that the housing shall be occupied only by agricultural employees and their families while employed by the owner or operator or on a nearby farm. The notice shall run with the land; or

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

(1) Not more than:

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

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

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

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

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

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

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

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

already disturbed;

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

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

16.

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

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

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

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

d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;

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

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

g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every marijuana-related entity occupying space in

addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

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

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

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

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

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

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

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

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

than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

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

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

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

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

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

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

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

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

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

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

18.a. Production is limited to indoor only;

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

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

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

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

19.a. Production is limited to indoor only;

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

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

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

feet and shall be located within a building or tenant space that is no more than ten percent larger than the plant canopy and separately authorized processing area.

20.a. Production is limited to indoor only;

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

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

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

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

21.a. Production is limited to indoor only;

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

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

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

canopy and separately authorized processing area.

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

- a. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.~~((G-))~~H;
- b. Only allowed on lots of at least four and one-half acres;
- c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
- d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.22. e. and f. of this section;
- e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of five thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;
- f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of ten thousand square feet, and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013; and
- g. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet

and a minimum interior setback of one hundred feet, and a minimum setback of one hundred fifty feet from any existing residence.

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

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

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

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

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

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

(b) as a permitted use, the floor area devoted to all warehousing, refrigeration, storage, or other similar activities shall not exceed two thousand square feet, unless located in a building designated as historic

resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of floor area devoted to all warehouseing, storage, including refrigeration, or other similar activities in the RA zones, or on farms less than thirty-five acres located in the A zones, or up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

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

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

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

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

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

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

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

(5) sixty percent or more of the gross sales of agricultural products sold through the store shall be

derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

residential use; and

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

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

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

residential use; and

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

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

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

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

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

SECTION 10. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are each hereby amended as follows:

A. Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUST.				
SIC#	SPECIF USE	A	F	M	RA	UR	R1-8	R12-48	NE	CE	RE	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farn	S	S		S	S							
*	Work Re Facility				S19	S19	S	S	S	S	S	S	
*	Public A Animal Facility		S		S	S					S		P
*	Public A Training		S		S3					S3	S3	S3	C4
*	Hydroel Generati		C14S		C14S	C14S	C14S						
((*))	((Search Reseue-I				((C30S30))								
*	Non((-))hydroe Generati	C12S29	C12S29	C12S29	C12S29	C12S29	C12S29	C12S29	C12S29	C12S29	C12S29	C12S29	P12S29
*	Renewal Generati	C28	C28	C	C	C	C	C	C	C	C	C	C
*	Fossil Fu												S27
*_	Battery I Storage ! (30)		S	P	P	P	C	C	P	P	P	P	P
*	Commur Facility (	C6cS	P		C6cS	C6cS	C6cS	C6cS	C6cS	P	P	P	P
*	Earth Sta	P6bC	P		C6aS	C6aS	C6aS	C6aS	P6bC	P	P	P	P
*	Energy I Recover		S	S	S	S	S	S	S	S	S	S	S
*	Soil Rec Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer			S	S	S	S	S	S	S	S		P
*	Wastew: Treatme				S	S	S	S	S	S	S	S	C
*	Municip. Producti	S	P13S	S	S	S	S	S	S	S	S	S	S
*	Airport/I	S7	S7		S	S	S	S	S	S	S	S	S
*_	Search a Facility				C31S31								

*	Regional Authorit					P2 5							
*	Rural Pu Infrastru Mainten: Facility				C2 3								P
*	Transit F						S	S	S	S	S	S	P
*	Transit C Facility				P2 6		P2 6	P2 6	P2 6	P2 6	P2 6	P2 6	P2 6
*	School E				C5 S2 0	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrac				S8	S8	S8	S8	S8	S8	S8	S8	S2 4
*	Regional Sports F:												P
*	County Fairgrou Facility				P2 1 S2 2								
*	Fairgrou									S	S		S
8422	Zoo/Wil. Exhibit(		S9		S9	S	S	S		S	S		
7941	Stadium										S		S
8221-82	College/ (1)	P10	P10		P1 0 C1 1 S1 8	P1 0 C1 1 S1 8	P1 0 C1 1 S	P1 0 C1 1 S	P1 0 C1 1 S	P	P	P	P
*	Zoo Ani: Breeding	P16	P16		P1 6								

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 gas extraction as an accessory use to a waste management process, such as wastewater treatment, landfill waste management, livestock manure and composting processes.
13. Excluding impoundment of water using a dam.
14. Limited to facilities that comply with the following:
 - a. Any new diversion structure shall not:
 - (1) exceed a height of eight feet as measured from the streambed; or
 - (2) impound more than three surface acres of water at the normal maximum surface level;
 - b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a:
 - (1) right-of-way of five miles or less; and
 - (2) capacity of two hundred thirty KV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and
 - g. The facility shall only be located above any portion of the stream used by anadromous fish.
15. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be prohibited. All other uses, including waste water treatment

facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

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

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

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

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

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

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

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

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

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

a. The minimum site area shall be ten acres, unless:

(1) the facility is a reuse of a public agency yard; or

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

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

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

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

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

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

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

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

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

(2) Offices, scale facilities, equipment storage buildings, and stockpiles shall not be closer than fifty

feet from any property line except when adjacent to M or F zoned property or when a reuse of an existing building. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

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

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

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

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

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

26. Transit comfort facility shall:

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

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

- (1) new uses or fuel types within existing facilities;
- (2) changes to the type of refining, manufacturing, or processing;
- (3) changes in the methods or volumes of storage or transport of raw materials or processed products;
- (4) changes in the location of the facilities on-site;
- (5) replacement of existing facilities;
- (6) increases in power or water demands; or
- (7) increases in production capacity.

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

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

- (1) an inventory of similar existing facilities in King County and neighboring counties, including their locations and capacities;
- (2) a forecast of the future needs for the facility;
- (3) an analysis of the potential social and economic impacts and benefits to jurisdictions and local communities receiving or surrounding the facility;
- (4) an analysis of alternatives to the facility, including location, conservation, demand management and other strategies;
- (5) an analysis of economic and environmental impacts, including mitigation, of any similar existing facilities and of any new site(s) under consideration as an alternative to expansion of an existing facility;
- (6) an extensive public involvement strategy that strives to effectively engage a wide range of racial, ethnic, cultural, and socioeconomic groups, including communities that are the most impacted;

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

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

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

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

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

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

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

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

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

~~(3) The amount of financial responsibility necessary to compensate for facility decommissioning~~

shall be determined by the director based on a decommissioning plan for the closure of the facility. The plan shall include, but need not be limited to, the following:

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

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

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

(d) methods for estimating closure costs.

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

i. evidence of insurance;

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

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

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

(5) Where enforcement of this subsection B.27.e. would conflict with chapter 36.32 RCW, the director may request the applicant to sign an agreement to complete retention of required financial responsibility consistent with K.C.C. 27A.30.060, in an amount equivalent to that indicated by the study of the

~~damages, prior to the issuance of a clearing and grading permit))~~ meeting the requirements of K.C.C. chapter 21A.XX (the new chapter created by section 16 of this ordinance). The financial responsibility shall be reviewed as part of the facility's periodic review under K.C.C. 21A.22.050.

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

- (1) not be located within one thousand feet from any schools, medical care facilities, or places of assembly that have occupancies of greater than one thousand persons;
- (2) not be located within two hundred fifty feet from a regulated wetland or aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the buffer in K.C.C. chapter 21A.24 shall apply;
- (3) maintain an interior setback of at least two hundred feet;
- (4) store fossil fuels completely within enclosed structures, tanks, or similar facilities;
- (5) be accessed directly to and from an arterial roadway; and
- (6) comply with all applicable regulations in K.C.C. chapter 21A.22.

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

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

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

- (1) an inventory of similar existing facilities in King County and neighboring counties, including their locations and capacities;
- (2) a report demonstrating that the facility would serve a significant portion of the county or metropolitan region or is part of a statewide or national system;
- (3) a forecast of the future needs for the facility;
- (4) an analysis of the potential social and economic impacts and benefits to jurisdictions and local

communities receiving or surrounding the facility;

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

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

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

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

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

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

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

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

~~(b) consider such matters as: the frequency of facility operations; facility layout and vegetation that could cause flammable vapor accumulation; the damages that could result from the explosion to public and private structures onsite and offsite, public infrastructure and environmental resources and functions; and the~~

~~potential loss of life and injury to persons onsite and to members of the public;~~

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

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

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

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

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

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

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

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

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

- ~~i. evidence of insurance;~~
- ~~ii. surety bonds issued by a bonding company authorized to do business in the United States; and~~
- ~~iii. other evidence of financial responsibility deemed acceptable by the department.~~

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

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

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

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

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

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

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

(2) any individual room, cabinet, container, or other enclosure containing the system has an energy

rating greater than two megawatt-hours, or any two enclosures are less than ten feet apart; and

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

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

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

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

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

31.a. For all search and rescue facilities:

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

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

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

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

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

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

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

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

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

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

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

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

D. Eaves may not project more than:

1. Eighteen inches into an interior setback;
2. Twenty-four inches into a street setback; or
3. Eighteen inches across a lot line in a zero-lot-line development;

E. Fences with a height of six feet or less may project into or be located in any setback;

F. Rockeries, retaining walls, and curbs may project into or be located in any setback. Except for structures that cross the setback perpendicularly to property lines or that abut a critical area, these structures:

1. Shall not exceed a height of six feet in the R-1 through R-18, UR, RA, and resource zones;
2. Shall not exceed a height of eight feet in the R-24 and R-48 zones; and
3. Shall not exceed the building height for the zone in commercial/industrial zones, measured in accordance with the standards established in the King County Building Code, Title 16;

G. Fences located on top of rockeries, retaining walls, or berms are subject to the requirements of K.C.C. 21A.14.220;

H. Telephone, power, light, and flag poles;

I. The following may project into or be located within a setback, but may only project into or be located within a five foot interior setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the records and licensing services division prior to the installment or construction of the structure:

1. Sprinkler systems, electrical and cellular equipment cabinets, and other similar utility boxes and vaults, not to include equipment associated with a battery energy storage system;
2. security system access controls;
3. Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as benches, picnic tables, and drinking fountains; and

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

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

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

L. Fire hydrants and associated appendages;

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

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

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

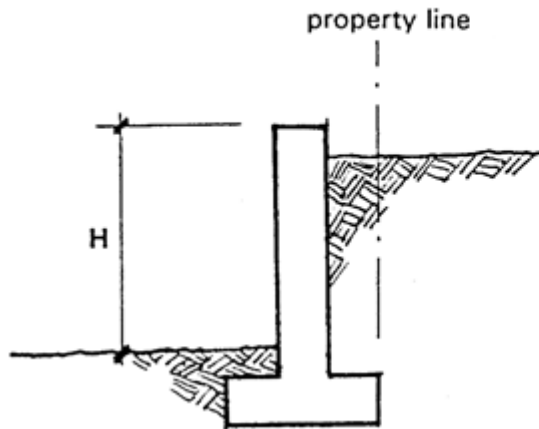
P. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

1. Consistent with setback, easement, and access requirements specified in the Surface Water Design Manual; or

2. In the absence of said specifications, not within five feet of the property line; and

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

RETAINING WALL IN SETBACK



**H max. 6' in R1 - R18, UR, RA
& Resource Zones**

**H max. 8' in R24 and R 48 Zones, and
not to exceed building height
requirement in Commerical/Industrial
Zones**

SECTION 12. Ordinance 10870, Section 359, as amended, and K.C.C. 21A.12.220 are each hereby amended as follows:

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

1. ~~((Except for u))~~Utility facilities~~((s))~~;
2. ~~((u))~~Uses listed in K.C.C. 21A.08.100, except that the standards in this section shall apply to battery energy storage systems not defined as accessory uses under K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025;
and
3. ~~((n))~~Nonresidential uses regulated by 21A.12.230~~((, all nonresidential uses located in the RA, UR,~~

or R zones shall be subject to the following requirements:).

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

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

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

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

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

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

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

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

SECTION 13. Ordinance 10870, Section 388, as amended, and K.C.C. 21A.16.030 are each hereby amended as follows:

To facilitate the application of this chapter, the land uses of K.C.C. chapter 21A.08 have been grouped in the following manner:

A. Residential development refers to those uses listed in K.C.C. 21A.08.030, except those uses listed under Accessory uses, and:

1. Attached/group residences refers to:
 - a. townhouses, except as provided in subsection A.2.a. of this section;
 - b. apartments and detached dwelling units developed on common property at a density of twelve or more units per acre;
 - c. senior citizen assisted housing;
 - d. temporary lodging;
 - e. group residences other than Type I community residential facilities;
 - f. mobile home parks; and
2. Single-family development refers to:
 - a. residential subdivisions and short subdivisions, including attached and detached dwelling units on individually platted or short platted lots;
 - b. any detached dwelling units located on a lot including cottage housing units; and
 - c. Type I community residential facilities;
- B. Commercial development refers to those uses in:
 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;
 2. K.C.C. 21A.08.050 except recycling centers, health and educational services, daycare I, churches, synagogues and temples, and miscellaneous repair as allowed in the A and RA zones; and
 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales as allowed in the A, F₂ and RA zones and building, hardware₂ and garden materials as allowed in the A zones;
- C. Industrial development refers to those uses listed in:
 1. K.C.C. 21A.08.050 as recycling center;
 2. K.C.C. 21A.08.060, except government services and farm product warehousing, refrigeration₂ and storage as allowed in the A zones;
 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A and F zones; and

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

D. Institutional development refers to those uses listed in:

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

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

except specialized instruction schools permitted as an accessory use;

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

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

E. Utility development refers to those uses listed in:

1. K.C.C. 21A.08.060 as utility facilities; and

2. K.C.C. 21A.08.100 as battery energy storage systems, except those defined as accessory uses under

K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025; and

F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E. of this section shall not be subject to landscaping and tree retention requirements except as specified in any applicable review of a conditional use or special use permits, or reviews conducted in accordance with K.C.C. 21A.42.300.

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

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

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

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

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

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

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

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

2. The trees shall be:

a. Located within the street right-of-way if permitted by the custodial state or local agency;

b. No more than twenty feet from the street right-of-way line if located within a lot;

c. Maintained by the adjacent landowner unless part of a county maintenance program; and

d. A species approved by the county if located within the street right-of way and compatible with

overhead utility lines.

3. The trees may be spaced at irregular intervals to accommodate sight distance requirements for driveways and intersections.

SECTION 15. Ordinance 10870, Section 391, as amended, and K.C.C. 21A.16.060 are each hereby amended as follows:

The average width of perimeter landscaping along interior lot lines shall be provided as follows:

A. Twenty feet of Type I landscaping shall be included in a commercial or industrial development along any portion adjacent to a residential development;

B. Five feet of Type II landscaping shall be included in an attached/group residence development, except that along portions of the development adjacent to property developed with single detached residences or vacant property that is zoned RA, UR or R(1-8), the requirement shall be ten feet of Type II landscaping;

C. Ten feet of Type II landscaping shall be included in an industrial development along any portion adjacent to a commercial or institutional development; and

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

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

2. ~~((a))~~An above-ground utility ~~((facility))~~ development, excluding distribution or transmission

corridors, when located outside a public right-of-way.

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

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

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

1. Incorporate the volume of oils, gases, refrigerants, and other flammable or explosive chemicals stored, used, or generated within the facility;
2. Consider such matters as:
 - a. the frequency of facility operations;
 - b. facility layout and vegetation that could cause flammable vapor accumulation;
 - c. the damages that could result from the explosion to public and private structures onsite and offsite;
 - d. public infrastructure and environmental resources and functions; and
 - e. The potential loss of life and injury to persons onsite and to members of the public;
3. Include modeling and disclosure of a nil or very low wind condition vapor cloud explosion scenario;
4. Be prepared by a person accredited in vapor cloud explosion analysis, or an equally qualified individual as authorized by the director, at the applicant's expense; and
5. Undergo third-party validation by a qualified entity to be hired upon mutual agreement of the applicant and the department, at the applicant's expense;

B. For battery energy storage systems only, the applicant shall demonstrate financial responsibility for

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

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

1. Listing of the hazardous substances, as defined in RCW 70A.305.020, that will be stored, handled, or generated within the facility; the range of potential release volumes requiring cleanup in the event of failures of technological or safety catchment features; and whether such releases have the potential to contaminate groundwater or surface waters on or adjacent to the site;
2. The range of cleanup activities that would be required to address such hazardous substances;
3. Detailed estimates of the cost to implement the plan, including conducting cleanup and facility closure, based on the cost of hiring a third party to conduct all activities. All cost estimates must be in current dollars and may not include a net present value adjustment or offsets for salvage value of wastes or other property; and
4. Methods for estimating closure costs;

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

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

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

3. Methods for estimating closure costs;

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

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

a. evidence of insurance;

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

c. letter of credit; or

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

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

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

SECTION 18. Ordinance 12020, Section 17, as amended, and K.C.C. 27A.30.060 are each hereby amended as follows:

Consistent with chapter 36.32 RCW, King County shall not require any state agency or unit of local government to secure the performance of a permit requirement with a financial guarantee as a condition of issuing a permit or approval for a building construction project. The director, however, may request a state

agency or unit of local government to sign an agreement to complete required improvements, or to complete retention of required financial responsibility consistent with K.C.C. ((21A.08.100)) chapter 21A.XX (the new chapter created by section 16 of this ordinance), and protect the county's rights and duty to remedy unsatisfactory performance.

SECTION 19.

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

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

a. whether the system was accessory or not, and if so, what type of use it was accessory to;

b. whether permits were issued or applied for;

c. in cases where a permit was not issued, any available information on barriers to permit issuance or application; and

d. in cases where a permit was issued:

- (1) the total system capacity in megawatts;
- (2) the total number of containers, cabinets, or rooms housing the system;
- (3) site characteristics, such as lot size, zoning, and any other pertinent information;
- (4) whether the system required financial responsibility; and
- (5) whether additional conditions were imposed under subsection 10.B.30.e. of this ordinance;

2. Information on any changes to standards relating to energy storage systems in the International Fire

Code, as adopted by the state or county, since the effective date of this ordinance, and discussion of how those changes do or do not impact the requirements of this ordinance;

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

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

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

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

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

B.1. No later than one year from the date that the first battery energy storage system permitted under this ordinance receives final inspection approval, or three years from the date this ordinance is enacted, whichever comes first, the executive shall electronically file the report with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the local services and land use committee or its successor. If legislative action is necessary to implement the recommendations of the report, a proposed ordinance shall be transmitted with the report. If legislative action is not necessary to implement the recommendations of the report, a proposed motion acknowledging receipt of the report shall be transmitted with the report.

SECTION 20. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.