

Date Created:	<b>11/2/23</b>
Drafted by:	<b>Jensen - PSB</b>
Sponsors:	
Attachments:	<b>A. 2024 King County Comprehensive Plan, B. Appendix A Capital Facilities and Utilities, C. Appendix B Housing Needs Assessment, D. Appendix C Transportation, E. Appendix C1 Transportation Needs Report, F. Appendix C2 Regional Trail Needs Report, G, Appendix D1 Growth Targets and the Urban Growth Area, H. Amendments to Vashon-Maury Island Community Service Area Subarea Plan, As Amended, I. Land Use and Zoning Map Amendments</b>

1 ..Title

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

19 K.C.C. 16.82.060, Ordinance 12560, Section 148, as  
20 amended, and K.C.C. 17.04.200, Ordinance 12560, Section  
21 149, as amended, and K.C.C. 17.04.280, Ordinance 17270,  
22 Section 2, as amended, and K.C.C. 18.25.010, Ordinance  
23 13694, Section 42, as amended, and K.C.C. 19A.08.070,  
24 Ordinance 13694, Section 56, as amended, and K.C.C.  
25 19A.12.020, Ordinance 13694, Section 80, as amended,  
26 and K.C.C. 19A.28.020, Ordinance 18810, Section 3, and  
27 K.C.C. 20.08.037, Ordinance 263, Art. 3 (part), and K.C.C.  
28 20.08.060, Ordinance 263, Article 2, Section 1, as  
29 amended, and K.C.C. 20.12.010, Ordinance 3692, Section  
30 2, as amended, and K.C.C. 20.12.200, Ordinance 13147,  
31 Section 19, as amended, and K.C.C. 20.18.030, Ordinance  
32 13147, Section 20, as amended, and K.C.C. 20.18.040,  
33 Ordinance 3688, Section 813, as amended, and K.C.C.  
34 20.18.056, Ordinance 13147, Section 22, as amended, and  
35 K.C.C. 20.18.060, Ordinance 13147, Section 23, as  
36 amended, and K.C.C. 20.18.070, Ordinance 13147, Section  
37 27, and K.C.C. 20.18.110, Ordinance 13147, Section 28, as  
38 amended, and K.C.C. 20.18.120, Ordinance 13147, Section  
39 30, as amended, and K.C.C. 20.18.140, Ordinance 13147,  
40 Section 32, and K.C.C. 20.18.160, Ordinance 14047,  
41 Section 9, and K.C.C. 20.18.170, Ordinance 14047, Section

42 10, and K.C.C. 20.18.180, Ordinance 12196, Section 9, as  
43 amended, and K.C.C. 20.20.020, Ordinance 16950, Section  
44 10, as amended, and K.C.C. 20.20.035, Ordinance 12196,  
45 Section 17, as amended, and K.C.C. 20.20.100, Ordinance  
46 12196, Section 19, as amended, and K.C.C. 20.20.120,  
47 Ordinance 4461, Section 10, as amended, and K.C.C.  
48 20.22.150, Ordinance 9544, Section 16, as amended, and  
49 K.C.C. 20.22.180, Ordinance 10511, Section 7, as  
50 amended, and K.C.C. 20.36.100, Ordinance 4828, Section  
51 4, as amended, and K.C.C. 20.62.040, Ordinance 10870,  
52 Section 17, as amended, and K.C.C. 21A.02.070,  
53 Ordinance 10870, Section 27, as amended, and K.C.C.  
54 21A.04.060, Ordinance 10870, Section 28, as amended,  
55 and K.C.C. 21A.04.070, Ordinance 10870, Section 29, as  
56 amended, and K.C.C. 21A.04.080, Ordinance 10870,  
57 Section 30, as amended, and K.C.C. 21A.04.090,  
58 Ordinance 10870, Section 31, as amended, and K.C.C.  
59 21A.04.100, Ordinance 10870, Section 32, as amended,  
60 and K.C.C. 21A.04.110, Ordinance 10870, Section 33, and  
61 K.C.C. 21A.04.120, Ordinance 10870, Section 48, as  
62 amended, and K.C.C. 21A.06.040, Ordinance 17710,  
63 Section 2, and K.C.C. 21A.06.7341, Ordinance 17710,  
64 Section 3, and K.C.C. 21A.06.3742, Ordinance 17710,

65 Section 4, as amended, and K.C.C. 21A.06.7344,  
66 Ordinance 17710, Section 5, as amended, and K.C.C.  
67 21A.06.7346, Ordinance 17710, Section 6, as amended,  
68 and K.C.C. 21A.06.7348, Ordinance 15606, Section 5, and  
69 K.C.C. 21A.06.196, Ordinance 10870, Section 92, as  
70 amended, and K.C.C. 21A.06.260, Ordinance 10870,  
71 Section 98, and K.C.C. 21A.06.290, Ordinance 10870,  
72 Section 101, as amended, and K.C.C. 21A.06.305,  
73 Ordinance 15051, Section 31, and K.C.C. 21A.06.333,  
74 Ordinance 10870, Section 5, and K.C.C. 21A.06.355,  
75 Ordinance 10870, Section 114, and K.C.C. 21A.06.370,  
76 Ordinance 17191, Section 22, as amended, and K.C.C.  
77 21A.06.450, Ordinance 10870, Section 148, and K.C.C.  
78 21A.06.540, Ordinance 10870, Section 77, and K.C.C.  
79 21A.06.185, Ordinance 14045, Section 7, and K.C.C.  
80 21A.06.1013, Ordinance 10870, Section 252, as amended,  
81 and K.C.C. 21A.06.1060, Ordinance 10870, Section 634  
82 (part), as amended, and K.C.C. 21A.06.1062, Ordinance  
83 3688, Section 251, as amended, and K.C.C. 21A.06.1082C,  
84 Ordinance 10870, Section 295, as amended, and K.C.C.  
85 21A.06.1275, Ordinance 10870, Section 297, as amended,  
86 and K.C.C. 21A.06.1285, Ordinance 10870, Section 330, as  
87 amended, and K.C.C. 21A.08.030, Ordinance 10870,

88 Section 331, as amended, and K.C.C. 21A.08.040,  
89 Ordinance 10870, Section 332, as amended, and K.C.C.  
90 21A.08.050, Ordinance 10870, Section 333, as amended,  
91 and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as  
92 amended, and K.C.C. 21A.08.070, Ordinance 10870,  
93 Section 335, as amended, and K.C.C. 21A.08.080,  
94 Ordinance 10870, Section 336, as amended, and K.C.C.  
95 21A.08.090, Ordinance 10870, Section 337, as amended,  
96 and K.C.C. 21A.08.100, Ordinance 10870, Section 340, as  
97 amended, and K.C.C. 21A.12.030, Ordinance 10870,  
98 Section 341, as amended, and K.C.C. 21A.12.040,  
99 Ordinance 10870, Section 344, as amended, and K.C.C.  
100 21A.12.070, Ordinance 10870, Section 355, as amended,  
101 and K.C.C. 21A.12.180, Ordinance 10870, Section 357, as  
102 amended, and K.C.C. 21A.12.200, Ordinance 10870,  
103 Section 3559, as amended, and K.C.C. 21A.12.220,  
104 Ordinance 10870, Section 364, as amended, and K.C.C.  
105 21A.14.040, Ordinance 10870, Section 367, as amended,  
106 and K.C.C. 21A.14.070, Ordinance 10870, Section 368, as  
107 amended, and K.C.C. 21A.14.080, Ordinance 10870,  
108 Section 369, as amended, and K.C.C. 21A.14.090,  
109 Ordinance 10870, Section 376, as amended, and K.C.C.  
110 21A.14.160, Ordinance 10870, Section 378, as amended,

111 and K.C.C. 21A.14.180, Ordinance 10870, Section 379, as  
112 amended, and K.C.C. 21A.14.190, Ordinance 14045,  
113 Section 30, and K.C.C. 21A.14.225, Ordinance 11621,  
114 Section 99, as amended, and K.C.C. 21A.14.280,  
115 Ordinance 14045, Section 43 and K.C.C. 21A.14.330,  
116 Ordinance 10870, Section 387, as amended, and K.C.C.  
117 21A.16.020, Ordinance 10870, Section 388, as amended,  
118 and K.C.C. 21A.16.030, Ordinance 10870, Section 395, as  
119 amended, and K.C.C. 21A.16.100, Ordinance 10870,  
120 Section 407, as amended, and K.C.C. 21A.18.030,  
121 Ordinance 10870, Section 410, as amended, and K.C.C.  
122 21A.18.050, Ordinance 10870, Section 414, as amended,  
123 and K.C.C. 21A.18.100, Ordinance 10870, Section 415, as  
124 amended, and K.C.C. 21A.18.110, Ordinance 10870,  
125 Section 417, and K.C.C. 21A.18.130, Ordinance 13022,  
126 Section 26, as amended, and K.C.C. 21A.20.190,  
127 Ordinance 10870, Section 444, as amended, and K.C.C.  
128 21A.22.060, Ordinance 15051, Section 137, as amended,  
129 and K.C.C. 21A.24.045, Ordinance 15051, Section 151, as  
130 amended, and K.C.C. 21A.24.133, Ordinance 10870,  
131 Section 469, as amended, and K.C.C. 21A.24.220,  
132 Ordinance 10870, Section 470, as amended, and K.C.C.  
133 21A.24.230, Ordinance 10870, Section 471, as amended,

134 and K.C.C. 21A.24.240, Ordinance 10870, Section 477, as  
135 amended, and K.C.C. 21A.24.300, Ordinance 11621,  
136 Section 52, as amended, and K.C.C. 21A.24.385,  
137 Ordinance 11621, Section 53, as amended, and K.C.C.  
138 21A.24.386, Ordinance 16985, Section 129, and K.C.C.  
139 21A.25.080, Ordinance 16958, Section 31, as amended,  
140 and K.C.C. 21A.25.100, Ordinance 16985, Section 39, as  
141 amended, and K.C.C. 21A.25.160, Ordinance 3688, Section  
142 413, as amended, and K.C.C. 21A.25.170, Ordinance  
143 13129, Section 2, as amended, and K.C.C. 21A.27.010,  
144 Ordinance 13129, Section 11, as amended, and K.C.C.  
145 21A.27.110, Ordinance 10870, Section 512, as amended,  
146 and K.C.C. 21A.28.020, Ordinance 10870, Section 513, as  
147 amended, and K.C.C. 21A.28.030, Ordinance 10870,  
148 Section 514, as amended, and K.C.C. 21A.28.040,  
149 Ordinance 10870, Section 515, as amended, and K.C.C.  
150 21A.28.050, Ordinance 10870, Section 523, as amended,  
151 and K.C.C. 21A.28.130, Ordinance 10870, Section 524, as  
152 amended, and K.C.C. 21A.28.140, Ordinance 10870,  
153 Section 526, as amended, and K.C.C. 21A.28.160,  
154 Ordinance 10870, Section 525, as amended, and K.C.C.  
155 21A.28.150, Ordinance 11621, Section 89, and K.C.C.  
156 21A.28.152, Ordinance 11621, Section 90, as amended,

157 and K.C.C. 21A.28.154, Ordinance 11621, Section 91, as  
158 amended, and K.C.C. 21A.28.156, Ordinance 11168,  
159 Section 14, as amended, and K.C.C. 21A.30.075,  
160 Ordinance 10870, Section 536, as amended, and K.C.C.  
161 21A.30.080, Ordinance 15606, Section 20, as amended,  
162 and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as  
163 amended, and K.C.C. 21A.30.090, Ordinance 10870,  
164 Section 547, as amended, and K.C.C. 21A.32.100,  
165 Ordinance 10870, Section 548, as amended, and K.C.C.  
166 21A.32.110, Ordinance 10870, Section 549, as amended,  
167 and K.C.C. 21A.32.120, Ordinance 10870, Section 555, as  
168 amended, and K.C.C. 21A.32.180, Ordinance 10870,  
169 Section 559, and K.C.C. 21A.32.220, Ordinance 17710,  
170 Section 14, as amended, and K.C.C. 21A.32.250,  
171 Ordinance 13274, Section 1, as amended, and K.C.C.  
172 21A.37.010, Ordinance 13274, Section 5, as amended, and  
173 K.C.C. 21A.37.030, Ordinance 13274, Section 6, as  
174 amended, and K.C.C. 21A.37.040, Ordinance 14190,  
175 Section 7, as amended, and K.C.C. 21A.37.050, Ordinance  
176 14190, Section 8, as amended, and K.C.C. 21A.37.060,  
177 Ordinance 13274, Section 7, as amended, and K.C.C.  
178 21A.37.070, Ordinance 13274, Section 8, as amended, and  
179 K.C.C. 21A.37.080, Ordinance 13733, Section 8, as



180 amended, and K.C.C. 21A.37.100, Ordinance 13733,  
181 Section 10, as amended, and K.C.C. 21A.37.110,  
182 Ordinance 13733, Section 11, as amended, and K.C.C.  
183 21A.37.120, Ordinance 13733, Section 12, as amended,  
184 and K.C.C. 21A.37.130, Ordinance 13733, Section 13, as  
185 amended, and K.C.C. 21A.37.140, Ordinance 10870,  
186 Section 579, as amended, and K.C.C. 21A.38.030,  
187 Ordinance 10870, Section 578, as amended, and K.C.C.  
188 21A.38.050, Ordinance 12809, Section 5, as amended, and  
189 K.C.C. 21A.38.120, Ordinance 12823, Section 10, and  
190 K.C.C. 21A.38.150, Ordinance 11621, Section 112, as  
191 amended, and K.C.C. 21A.43.030, Ordinance 11621,  
192 Section 114, as amended, and K.C.C. 21A.43.050,  
193 Ordinance 11621, Section 116, as amended, and K.C.C.  
194 21A.43.070, Ordinance 10870, Section 623, and K.C.C.  
195 21A.44.020, Ordinance 3269, Section 2, and K.C.C.  
196 24.08.010, Ordinance 19555, Section 22, and K.C.C.  
197 21A.48.010, Ordinance 19555, Section 24, and K.C.C.  
198 21A.48.030, Ordinance 19555, Section 26, and K.C.C.  
199 21A.48.050, Ordinance 19555, Section 27, and K.C.C.  
200 21A.48.060, Ordinance 19555, Section 28, and K.C.C.  
201 21A.48.070, Ordinance 19555, Section 29, and K.C.C.  
202 21A.48.080, Ordinance 13332, Section 34, as amended,

203 and K.C.C. 27.10.190, Ordinance 13332, Section 35, as  
204 amended, and K.C.C. 27.10.200, Ordinance 16147, Section  
205 2, as amended, and K.C.C. 18.17.010, Ordinance 19402,  
206 Section 8, and K.C.C. 18.17.050, and Ordinance 16650,  
207 Section 1, as amended, and K.C.C. 21A.55.101, adding a  
208 new section to K.C.C. chapter 14.01, adding new sections  
209 to K.C.C. chapter 20.18, adding new sections to K.C.C.  
210 chapter 21A.06, adding new sections to K.C.C. chapter  
211 21A.28, adding a new section to K.C.C chapter 21A.32,  
212 adding new sections to K.C.C. chapter 21A.37, adding a  
213 new section to K.C.C. chapter 21A.44, adding a new  
214 section to K.C.C. chapter 24.08, adding a new chapter to  
215 K.C.C. Title 21A, adding a new chapter to K.C.C. Title 24,  
216 recodifying K.C.C. 21A.06.7341, 21A.06.7342, K.C.C.  
217 21A.06.7344, K.C.C. 21A.06.7346, K.C.C. 21A.06.7348,  
218 K.C.C. 21A.06.185, K.C.C. 21A.28.160, and K.C.C.  
219 21A.28.150, repealing Ordinance 14050, Section 17, and  
220 K.C.C. 14.70.300, Ordinance 9614, Section 103, as  
221 amended, and K.C.C. 16.82.150, Ordinance 16267, Section  
222 6, and K.C.C. 16.82.151, Ordinance 15053, Section 15, as  
223 amended, and K.C.C. 16.82.152, Ordinance 15053, Section  
224 16, and K.C.C. 16.82.154, Ordinance 18810, Section 6, and  
225 K.C.C. 20.08.175, Ordinance 1096, Sections 1 and 2, as

226 amended, and K.C.C. 20.12.090, Ordinance 8279, Section  
227 1, as amended, and K.C.C. 20.12.150, Ordinance 11620,  
228 Section 18, and K.C.C. 20.12.433, Ordinance 11620,  
229 Section 19, and K.C.C. 20.12.435, Ordinance 8380, Section  
230 1, and K.C.C. 20.14.010, Ordinance 8380, Appendix A,  
231 Ordinance 8380, Appendix B, Ordinance 10238, Section 1,  
232 as amended, and K.C.C. 20.14.020, Ordinance 10293,  
233 Attachment A, as amended, Ordinance 10293, Sections 1,  
234 2, 6, 7, and 9, as amended, and K.C.C. 20.14.025,  
235 Ordinance 10293, Attachment A, as amended, Ordinance  
236 10513, Section 1, as amended, and K.C.C. 20.14.030,  
237 Ordinance 10513, Attachment A, as amended, Ordinance  
238 11087, Section 1, as amended, and K.C.C. 20.14.040,  
239 Ordinance 11087, Attachment A, as amended, Ordinance  
240 11111, Section 1, as amended, and K.C.C. 20.14.050,  
241 Ordinance 11111, Attachment A, as amended, Ordinance  
242 11886, Sections 1 and 4, as amended, and K.C.C.  
243 20.14.060, Ordinance 11886, Attachment A, as amended,  
244 Ordinance 12809, Section 1, as amended, and K.C.C.  
245 20.14.070, Ordinance 12809, Attachment A, as amended,  
246 Ordinance 14091, Section 1, and K.C.C. 20.14.080,  
247 Ordinance 14091, Attachment A, Ordinance 12171, Section  
248 3, and K.C.C. 21A.06.533, Ordinance 10870, Section 196,

249 and K.C.C. 21A.06.780, Ordinance 10870, Section 308,  
250 and K.C.C. 21A.06.1340, Ordinance 10870, Section 550,  
251 and K.C.C. 21A.32.130, Ordinance 10870, Section 140,  
252 and K.C.C. 21A.32.140, Ordinance 10870, Section 560,  
253 and K.C.C. 21A.34.010, Ordinance 10870, Section 561,  
254 and K.C.C. 21A.34.020, Ordinance 10870, Section 562, as  
255 amended, and K.C.C. 21A.34.030, Ordinance 10870,  
256 Section 563, as amended, and K.C.C. 21A.34.040,  
257 Ordinance 10870, Section 564, as amended, and K.C.C.  
258 21A.34.050, Ordinance 10870, Section 565, as amended,  
259 and K.C.C. 21A.34.060, Ordinance 10870, Section 566,  
260 and K.C.C. 21A.34.070, Ordinance 10870, Section 567,  
261 and K.C.C. 21A.34.080, Ordinance 16267, Section 68, as  
262 amended, and K.C.C. 21A.37.055, Ordinance 10870,  
263 Section 581, as amended, and K.C.C. 21A.38.080,  
264 Ordinance 18623, Section 9, and K.C.C. 21A.38.270,  
265 Ordinance 10870, Section 582, and K.C.C. 21A.39.010,  
266 Ordinance 10870, Section 583, as amended, and K.C.C.  
267 21A.39.020, Ordinance 10870, Section 584, as amended,  
268 and K.C.C. 21A.39.030, Ordinance 10870, Section 585,  
269 and K.C.C. 21A.39.040, Ordinance 10870, Section 586, as  
270 amended, and K.C.C. 21A.39.050, Ordinance 10870,  
271 Section 587, and K.C.C. 21A.39.060, Ordinance 10870,

272 Section 588, and K.C.C. 21A.39.070, Ordinance 10870,  
273 Section 589, and K.C.C. 21A.39.080, Ordinance 10870,  
274 Section 590, and K.C.C. 21A.39.090, Ordinance 10870,  
275 Section 591, and K.C.C. 21A.39.100, Ordinance 10870,  
276 Section 592, and K.C.C. 21A.39.110, Ordinance 10870,  
277 Section 593, and K.C.C. 21A.39.120, Ordinance 10870,  
278 Section 594, and K.C.C. 21A.39.130, Ordinance 12171,  
279 Section 8, and K.C.C. 21A.39.200, Ordinance 10870,  
280 Section 628, and K.C.C. 21A.44.070, Ordinance 12171,  
281 Section 9, and K.C.C. 21A.44.080, Ordinance 14662,  
282 Section 1, as amended, and K.C.C. 21A.55.060, Ordinance  
283 17877, Section 1, Ordinance 17877, Section 2, Ordinance  
284 17877, Section 3, Ordinance 17878, Section 1, Ordinance  
285 17878, Section 2, and Ordinance 17878, Section 3, and  
286 Ordinance 16650, Attachment B, and establishing an  
287 effective date.

288 ..Body

289 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

290 **SECTION 1. Findings:**

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

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

296 C. The GMA requires King County to take action not later than December 31,  
297 2024, to review and, if needed, revise its comprehensive plan and development  
298 regulations to ensure the plan and regulations comply with the requirements of the GMA.  
299 This ordinance adopts the 2024 King County Comprehensive Plan ("2024 update"),  
300 which is compliant with the GMA and completes this statutorily required review and  
301 update.

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

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

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

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

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

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

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

337 K. Vashon-Maury Island Community Service Area Subarea Plan ("the subarea  
338 plan") Workplan Action 1 adopted in Ordinance 18623, as amended, directs the executive  
339 to comprehensively review and update the property specific development conditions,

340 which are also known as P-Suffixes, and special district overlays, which are also known  
341 as SDOs, on Vashon-Maury Island. Workplan Action 1 required a report and proposed  
342 ordinance to implement the recommendations in the report be transmitted to the Council  
343 for consideration by June 30, 2022. Due to the COVID-19 pandemic, the timeline for  
344 completing the final evaluation was delayed beyond the required date. In 2022, the scope  
345 of work for the 2024 update directed inclusion of the report and King County Code  
346 changes as part of the 2024 update. As required by the subarea plan and scope of work,  
347 the report and associated recommended King County Code changes were included in the  
348 transmittal of the 2024 update.

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



363 changes as part of the 2024 update. As required by Ordinance 18623 and the scope of  
364 work, the report and implementing zoning and King County Code changes were included  
365 in the transmittal of the 2024 update.

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

374 SECTION 2. A. Attachments A through G to this ordinance are adopted as the  
375 2024 King County Comprehensive Plan.

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

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

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

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

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

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

397 H. "Appendix H Natural Resources" in Technical Appendices Volume 2 to the  
398 1994 King County Comprehensive Plan is hereby readopted as "Appendix E 1994  
399 Natural Resource Lands."

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

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

405 A. The department of local services is responsible for managing and being  
406 fiscally accountable for the permitting division and the road services division. The  
407 department shall also administer the county roads function as authorized in applicable

408 sections of Titles 36 and 47 RCW and other laws, regulations, and ordinances as may  
409 apply. Consistent with Motion 15125, the department shall:

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

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

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

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

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

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

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

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

430 f. pursuing innovative funding strategies.

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

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

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

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

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

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

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

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

451 d. use the tools and resources developed by the office of equity and racial and  
452 social justice to develop the scope of work and to develop, review, amend, adopt, and  
453 implement the subarea plan, including, but not limited to, community engagement,

454 language access, and equity impact review tools. The county shall use, at minimum, the  
455 "County engages in dialogue" and "County and community work together" levels of  
456 engagement as outlined in the office of equity and racial and social justice's Community  
457 Engagement Guide for the scoping, development, review, amendment, adoption, and  
458 implementation of the subarea plan. The county shall include as an appendix to the  
459 subarea plan information detailing the community engagement completed during the  
460 development of the subarea plan and how the community engagement meets the  
461 requirements of this subsection B.2.d.;

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

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

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

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

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

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

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

487           2. Each community needs list shall:

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

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

493           c. be developed, reviewed, prioritized, amended, adopted, and implemented  
494 using tools and resources developed by the office of equity and racial and social justice,  
495 including, but not limited to, community engagement, language access, and equity impact  
496 review tools. The county shall use, at minimum, the (~~"County engages in dialogue"~~  
497 ~~and~~) "County and community work together" level((s)) of engagement as outlined in the

498 office of equity and racial and social justice's Community Engagement Guide for the  
499 development, review, amendment, adoption, and implementation of the community needs  
500 list. The county shall include as an appendix to the community needs list information  
501 detailing the community engagement completed during the development of the  
502 community needs list and how the community engagement meets the requirements of this  
503 subsection C.2.c.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

572 2. A work program shall be developed for each subarea geography described in  
573 subsection B. of this section and shall:

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

577 b. address the required elements in Ordinance 17139;

578 c. list potential action items for the area;

579 d. list known planning activities for the area;

580 e. identify public meetings for the area;

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

583 g. establish an ongoing communications and community engagement plan  
584 using tools and resources developed by the office of equity and racial and social justice,  
585 including, but not limited to, community engagement, language access, and equity impact  
586 review tools. The county shall use, at minimum, the "County engages in dialogue" and

587 "County and community work together" levels of engagement as outlined in the office of  
588 equity and racial and social justice's Community Engagement Guide for the development,  
589 review, amendment, adoption, and implementation of the community needs list; and

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

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

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

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

603 2. Service partnerships agreements shall:

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

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

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

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

612 agency;

613           b. a general description of the programs, services<sub>2</sub> or facilities provided by the

614 partner agency for unincorporated area residents and businesses and, where applicable, in

615 the subarea geographies;

616           c. goals for the partner agency to achieve the emphasis on local service

617 delivery described in Motion 15125 and this section, including:

618           (1) the desired outcomes for provision of each program, service<sub>2</sub> or facility;

619 and

620           (2) service level goals for each program, service<sub>2</sub> or facility;

621           d. performance metrics to monitor progress of implementing the outcomes and

622 service level goals for each program, service<sub>2</sub> or facility;

623           e. use of the community service area work programs in local service delivery

624 by the partner agency; and

625           f. the current adopted community needs lists and associated performance

626 metrics for monitoring and reporting on the progress the county agencies have made on

627 items on the lists that they are responsible for.

628           4. ~~((A schedule for completing the service partnership agreements with county~~

629 ~~agencies shall be established as part of the executive's proposed 2021-2022 biennial~~

630 ~~budget and is subject to council approval by motion. The schedule is expected to show~~

631 ~~service partnership agreements with all required agencies in effect no later than~~

632 ~~transmittal of the executive's proposed 2023-2024 biennial budget.~~

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

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

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

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

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

653           c. administering the ((s))State Environmental Policy Act and acting as lead  
654 agency, including making the threshold determinations, determining the amount of  
655 environmental impact and reasonable mitigation measures and coordinating with other

656 departments and divisions in the preparation of county environmental documents or in  
657 response to environmental documents from other agencies;

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

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

667 f. regulating the operation, maintenance, and conduct of county-licensed  
668 businesses, except taxicab and for-hire drivers and vehicles; and

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

673 2. The permitting division manager shall be the:

674 a. county planning director;

675 b. zoning adjuster;

676 c. responsible official for purposes of administering the ~~(the)~~ State  
677 Environmental Policy Act;

678 d. county building official; and

679 e. county fire marshal.

680 3. The manager may delegate the functions in subsection G.2. of this section to  
681 qualified subordinates.

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

687 1. Designing, constructing, and maintaining county roads, bridges, and  
688 associated drainage facilities;

689 2. Designing, installing, and maintaining county traffic signs, markings, and  
690 signals;

691 3. Designing, installing, and maintaining bicycle and pedestrian facilities;

692 4. Managing intergovernmental contracts or agreements for services related to  
693 road maintenance and construction and to other transportation programs supporting the  
694 transportation plan;

695 5. Inspecting utilities during construction and upon completion for compliance  
696 with standards and specifications(~~(; assuring)~~), and ensuring that public facilities  
697 disturbed due to construction are restored;

698 6. Performing detailed project development of roads capital improvement  
699 projects that are consistent with the transportation element of the county's Comprehensive  
700 Plan, and coordinating such programming with other county departments and divisions  
701 assigned responsibilities for Comprehensive Plan implementation;

702           7. Incorporating into the roads capital improvement program those projects  
703 identified in the transportation needs report, (~~community plans,~~) related functional  
704 plans, and elsewhere consistent with the county's Comprehensive Plan;

705           8. Preparing, maintaining, and administering the county road standards;

706           9. Preparing and administering multiyear roads maintenance and capital  
707 construction plans and periodic updates;

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

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

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

719           c. The county executive may assign professional engineering duties of the  
720 county road engineer to someone other than the county road engineer, except as  
721 otherwise assigned by the King County Code, and only if the individual assigned those  
722 duties shall be qualified as required under RCW 36.80.020. The executive shall provide  
723 to the county council and the Washington state County Road Administration Board, in  
724 writing, those specific professional engineering duties not assigned to the county road



725 engineer, the name and position of each person responsible for carrying out those  
726 assigned duties, the specific reporting and working relationships with the county road  
727 engineer, and the duration for which those duties have been assigned.

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

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

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

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

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

744 An application for a retail ~~((marijuana))~~ cannabis business license or license  
745 renewal must be submitted in the name of the person or persons or the entity proposing to  
746 operate the business. The application shall be signed by each person, or a responsible  
747 ~~((principle))~~ principal or officer of any entity, proposing to operate the business, certified

748 as true under penalty of perjury. All applications shall be submitted on a form supplied  
749 by the director, and shall include the following:

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

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

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

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

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

766 An applicant for a retail ((~~marijuana~~) cannabis) business license or renewal under  
767 this chapter shall pay an application fee at the time of application submittal. The  
768 nonrefundable application fee for a retail ((~~marijuana~~) cannabis) business license or  
769 renewal is one thousand dollars. The nonrefundable application fee for a retail  
770 ((~~marijuana~~) cannabis) business license or renewal shall be reduced by fifty percent if, at

771 the time of application, the applicant shows proof of a current medical ((~~marijuana~~))  
772 cannabis endorsement issued by the Washington state Liquor and Cannabis Board.

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

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

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

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

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

789 The definitions in this section apply throughout this chapter unless the context  
790 clearly requires otherwise.

791 A. "Adjustment" means a department-approved variation in the application of the  
792 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular

793 project in accordance with K.C.C. 9.04.050.C. "Adjustment" replaces "variance," which  
794 was used in prior editions of the Surface Water Design Manual.

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

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

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

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

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

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

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

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

832 J. "Department" means the department of natural resources and parks or its  
833 successor.

834 K. "Development" means any activity that requires a permit or approval, including,  
835 but not limited to, a building permit, grading permit, shoreline substantial development  
836 permit, conditional use permit, special use permit, zoning variance or reclassification,

837 subdivision, short subdivision, (~~urban planned development,~~) binding site plan, site  
838 development permit, or right-of-way use permit. "Development" does not include forest  
839 management activities, as defined in K.C.C. chapter 21A.06.

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

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

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

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

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

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

861 R. "Financial guarantee" means a form of financial security posted to do one or  
862 more of the following: ensure timely and proper completion of improvements; ensure  
863 compliance with the King County Code; or provide secured warranty of materials, quality of  
864 work of the improvements and design. "Financial guarantees" include assignments of funds,  
865 cash deposit, surety bonds, or other forms of financial security acceptable to the department  
866 of local services permitting division manager or designee. "Performance guarantee,"  
867 "maintenance guarantee," and "defect guarantee" are considered subcategories of financial  
868 guarantee.

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

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

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

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

- 889 1. Would result in two thousand square feet or more of new impervious surface,  
890 replaced impervious surface, or new plus replaced impervious surface; or
- 891 2. Would result in seven thousand square feet or more of land disturbing activity.

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

894 X. "High-use site" means the area of a commercial, industrial, or road intersection  
895 site that generates a higher than average number of vehicle turnovers or has other  
896 characteristics that generate the potential for chronic oil accumulation. "High use site"  
897 includes:

- 898 1. The area of a commercial or industrial site subject to:
  - 899 a. an expected daily traffic count greater than one hundred vehicles per one  
900 thousand square feet of gross building area;



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

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

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

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

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

921                   AA. "Improvement" means a permanent, human-made, physical change to land or  
922 real property including, but not limited to, buildings, streets, driveways, sidewalks,

923 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, and  
924 landscaping.

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

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

933 DD. "Large project drainage review" means the evaluation required by K.C.C.  
934 9.04.030 for any proposed project that:

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

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

940 ~~((3))~~ 2. Has a project site of fifty acres or more within a critical aquifer recharge  
941 area, as defined in K.C.C. Title 21A.

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

944 FF. "Maintenance" means those usual activities taken to prevent a decline, lapse, or  
945 cessation in the use of currently serviceable structures, facilities, equipment, or systems, if

946 there is no expansion of the structure, facilities, equipment, or system and there are no  
947 significant hydrologic impacts. "Maintenance" includes the repair or replacement of  
948 nonfunctional facilities or the replacement of existing structures with different types of  
949 structures, if the repair or replacement is required by one or more environmental permits or  
950 to meet current engineering standards and the functioning characteristics of the original  
951 facility or structure are not changed.

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

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

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

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

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

967 LL. "New pervious surface" means the conversion of a native vegetated surface or  
968 other native surface to a nonnative pervious surface, including, but not limited to, pasture

969 land, grassland, cultivated land, lawn, landscaping, or bare soil, or any alteration of existing  
970 nonnative pervious surface that results in increased stormwater runoff as defined in the  
971 Surface Water Design Manual.

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

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

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

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

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

1000 1. Is already substantially developed in a manner that is consistent with its current  
1001 zoning or with a legal nonconforming use; or

1002 2. Has an existing impervious surface coverage of thirty-five percent or more.

1003 RR. "Replaced impervious surface" means an existing impervious surface proposed  
1004 to be removed and reestablished as impervious surface, excluding impervious surface  
1005 removed for the sole purpose of installing utilities or performing maintenance. For  
1006 structures, "removed" means the removal of buildings down to the foundation. For other  
1007 impervious surfaces, "removed" means the removal down to base course or bare soil. For  
1008 purposes of this definition, "base course" means the layer of crushed rock that typically  
1009 underlies an asphalt or concrete pavement.

1010 SS. "Salmon conservation plan" means a plan and all implementing regulations and  
1011 procedures including, but not limited to, land use management adopted by ordinance, capital  
1012 projects, public education activities, and enforcement programs for conservation and  
1013 recovery of salmon within a water resource inventory area designated by the state under  
1014 WAC 173-500-040.

1015 TT. "Shared facility" means a drainage facility designed to meet one or more of the  
1016 requirements of K.C.C. 9.04.050 for two or more separate projects contained within a basin.  
1017 "Shared facilities" usually include shared financial commitments for those drainage  
1018 facilities.

1019 UU. "Simplified drainage review" means the drainage review for a proposed single-  
1020 family residential project or agricultural project that:

1021 1. Would result in impervious and new pervious surface insufficient to require a  
1022 flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface Water  
1023 Design Manual; and

1024 2. Meets the simplified drainage requirements and BMPs specified in the Surface  
1025 Water Design Manual, including flow control BMPs, construction stormwater pollution  
1026 prevention BMPs, and drainage plan submittal requirements.

1027 VV. "Site" means a single parcel, or either two or more contiguous parcels that are  
1028 under common ownership or documented legal control, or a portion of single parcel under  
1029 documented legal control separate from the remaining parcel, used as a single parcel for a  
1030 proposed project for purposes of applying for authority from King County to carry out a  
1031 proposed project. For projects located primarily within dedicated rights-of-way, "site"  
1032 includes the entire width of (~~right-of-way~~) right of way subject to improvements proposed  
1033 by the project.

1034 WW. "Stormwater" means the water produced during precipitation or snowmelt,  
1035 (~~which~~) that runs off, soaks into the ground, or is dissipated into the atmosphere.  
1036 Stormwater that runs off or soaks into the ground ultimately becomes surface water or  
1037 groundwater.

1038 XX. "Stormwater compliance plan" means a plan or study and all regulations and  
1039 procedures that have been adopted by the county to implement the plan or study, including,  
1040 but not limited to, capital projects, public education activities, and enforcement programs for  
1041 managing stormwater quantity and quality discharged from the county's municipal separate  
1042 storm sewer system in compliance with the National Pollutant Discharge Elimination  
1043 System permit program under the Clean Water Act.

1044 YY. "Stormwater runoff" means stormwater that flows over, or just below, the  
1045 surface where it fell or melted. "Stormwater runoff" contributes to and becomes surface  
1046 water or groundwater.

1047 ZZ. "Subbasin" means a geographic area that:

- 1048 1. Drains to a stream or water body named and noted on common maps; and
- 1049 2. Is contained within the basin of the stream or water body.

1050 AAA. "Surface water" means the water that exists on land surfaces before, during,  
1051 and after stormwater runoff occurs and includes, but is not limited to, the water found on  
1052 ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes,  
1053 wetlands, and Puget Sound. ((#)) "Surface water" also includes shallow groundwater.

1054 BBB. "Surface Water Design Manual" means the manual, and supporting  
1055 documentation referenced or incorporated in the manual, describing surface and stormwater  
1056 design and analysis requirements, procedures, and guidance. The "Surface Water Design  
1057 Manual" is formally adopted by rule under the procedures of K.C.C. chapter 2.98 and is  
1058 available from the department of local services, permitting division, or the department of  
1059 natural resources and parks, water and land resources division, or their successors.

1060 CCC. "Targeted drainage review" means an abbreviated evaluation required by  
1061 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large  
1062 project drainage review. Targeted drainage review may be required for some projects in  
1063 simplified drainage review.

1064 DDD. "Water quality facility" means a drainage facility designed in accordance  
1065 with the drainage requirements in this chapter to mitigate the impacts of increased pollutants  
1066 in stormwater runoff generated by site development. A "water quality facility" uses  
1067 processes that include, but are not limited to, settling, filtration, adsorption, and absorption  
1068 to decrease pollutant concentrations and loadings in stormwater runoff.

1069 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 14.01 a  
1070 new section to read as follows:

1071 "Active transportation" means pedestrian, bicycle, and equestrian travel including,  
1072 but not limited to, the use of wheelchairs and personal assistive mobility devices powered  
1073 by electricity that are used by physically impaired persons, skateboards and scooters, and  
1074 micromobility devices such as motorized foot scooters and electric assisted bicycles; any  
1075 moped, motorcycle, or, except as otherwise provided for in this definition, personal  
1076 assistive mobility device, are considered motorized transportation. The Regional Trail  
1077 network, and its use, is for both recreation and transportation purposes. Not all facilities  
1078 are appropriate for all modes and may have restrictions on the use of any mode.

1079 SECTION 12. Ordinance 18420, Section 37, and K.C.C. 14.01.360 are hereby  
1080 amended to read as follows:

1081 "Transportation facilities" means principal, minor, and collector arterial roads and  
1082 state highways, as well as associated sidewalks, bike lanes, and other facilities supporting



1083 ((~~nonmotorized travel~~)) active transportation. Not all facilities are appropriate for all  
1084 modes and may have restrictions on the use of any mode.

1085 SECTION 13. Ordinance 18420, Section 61, as amended, and K.C.C. 14.40.0104  
1086 are hereby amended to read as follows:

1087 A. Upon receipt of a petition, the county road engineer shall determine whether  
1088 owners of the majority of the lineal footage of the frontage of the right of way proposed  
1089 for vacation have signed the petition. If the county road engineer determines the  
1090 signatories of the petition own less than the majority of the lineal footage of the frontage  
1091 of the right of way proposed for vacation, the county road engineer shall notify the  
1092 petitioners that the petition does not have sufficient signatories. The petitioners shall  
1093 have thirty days from the date of that notice to supplement the petition by filing with the  
1094 department of local services, road services division, a sufficient number of additional  
1095 petition signatures to establish that a majority of owners of the lineal footage of the  
1096 frontage of the right of way proposed for vacation support the petition. Failure to include  
1097 the signature of a majority the owners of the lineal footage of the frontage of the right of  
1098 way proposed for vacation is grounds for the county road engineer to find that the  
1099 petition is deficient. In that event, no further action will be taken on the petition and the  
1100 county road engineer shall inform the petitioners of the determination.

1101 B. If either directed by the council in accordance with K.C.C. 14.40.010.A., or if  
1102 under subsection A. of this section the county road engineer determines that a petition is  
1103 valid, then the county road engineer shall examine the right of way proposed to be  
1104 vacated and abandoned and complete a report that complies with the requirements in

1105 RCW 36.87.040, including the county road engineer's opinion of whether the right of  
1106 way should be vacated. The report should address:

- 1107 1. Whether the county right of way should be vacated and abandoned;
- 1108 2. Whether the county right of way is in use or has been in use;
- 1109 3. The condition of the right of way;
- 1110 4. Whether it is advisable to preserve all or a portion of the right of way for the

1111 county (~~transportation~~) road system of the future;

- 1112 5. Whether the public will be benefited by the vacation of the county right of  
1113 way;

- 1114 6. The appraised value of the county right of way or portion thereof proposed  
1115 for vacation as well as the county road engineer's recommendation for compensation to  
1116 be determined in accordance with the factors listed in K.C.C. 14.40.020.A.;

- 1117 7.a. Whether the proposed county right of way to be vacated serves as access to  
1118 property abutting the county right of way that is subject of the vacation request; and

- 1119 b. a recommendation for requiring access easements for all abutting properties  
1120 as a condition of granting the vacation;

- 1121 8.a. Whether the proposed county right of way to be vacated contains utilities;

1122 and

- 1123 b. a recommendation for retaining an easement for the construction, repair, and  
1124 maintenance of public utilities and services that are authorized at the time the ordinance  
1125 is adopted or are physically located on a portion of the right of way being vacated;

- 1126 9. Other matters that may be of interest, including any fees charged under  
1127 K.C.C. 14.40.0106.B.;

1128           10. Whether the proposed area to be vacated abuts a body of salt or fresh water  
1129 as ~~((set forth))~~ established in RCW 36.87.130;

1130           11. A list of the property owners whose property abuts the county right of way  
1131 or any portion thereof proposed for vacation who are not petitioners; and

1132           12. If not waived in accordance with K.C.C. 14.40.106.C. a list of all costs  
1133 incurred in preparing the report.

1134           C. Upon completion of the report by the county road engineer, the executive shall  
1135 transmit the report, any petition, and a proposed ordinance to the council. The hearing  
1136 examiner is appointed by the council to conduct the public hearing of any proposed  
1137 vacation of a county right of way.

1138           SECTION 14. Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020 are  
1139 hereby amended to read as follows:

1140           There is established an an ~~((nonmotorized))~~ active transportation program. The  
1141 program shall consist of the ~~((nonmotorized))~~ active transportation policies in the King  
1142 County Comprehensive Plan and the respective functional plans of the responsible county  
1143 agencies, ~~((nonmotorized))~~ active transportation project needs contained in agency capital  
1144 improvement programs and operational activities that:

1145           A. Identify and document the ~~((nonmotorized))~~ active transportation needs in the  
1146 county ~~((for bicyclists, pedestrians, equestrians and))~~, emphasizing special populations  
1147 such as school children or people with limited mobility and wheelchair users;

1148           B. Determine ways that ~~((nonmotorized))~~ active transportation can be integrated  
1149 into the current and future county transportation network and services, including transit;

1150 C. Inform and educate the public on issues relating to ~~((nonmotorized))~~ active  
1151 transportation, including compliance with traffic laws; and

1152 D. Consider ~~((nonmotorized))~~ active transportation safety and other needs in all  
1153 related county programs, and encourage the same consideration on an interlocal and  
1154 regional basis.

1155 SECTION 15. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are  
1156 hereby amended to read as follows:

1157 The department of local services shall:

1158 A. Implement the ~~((nonmotorized))~~ active transportation program;

1159 B. Provide support to any ad hoc ~~((nonmotorized))~~ active transportation advisory  
1160 committee; and

1161 C. Work with other authorities and nongovernmental organizations to identify,  
1162 develop and promote programs that encourage the use of ~~((nonmotorized))~~ active modes  
1163 of transportation.

1164 SECTION 16. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are  
1165 hereby amended to read as follows:

1166 ~~((Certain words and phrases used in this chapter, unless otherwise clearly indicated  
1167 by their context, mean as follows:))~~ The definitions in this section apply throughout this  
1168 chapter unless the context clearly requires otherwise.

1169 A. "Applicant" means a property owner or a public agency or public or private  
1170 utility that owns a ~~((right-of-way))~~ right of way or other easement or has been adjudicated  
1171 the right to such an easement in accordance with RCW 8.12.090, or any person or entity

1172 designated or named in writing by the property or easement owner to be the applicant, in an  
1173 application for a development proposal, permit, or approval.

1174 B. "Bench" means a relatively level step excavated or constructed on the face of a  
1175 graded slope surface for drainage and maintenance purposes.

1176 C. "Civil engineer" means an engineer who is licensed as a professional engineer in  
1177 the branch of civil engineering by the state of Washington.

1178 D. "Clearing and grading permit" means the permit required by this chapter for  
1179 grading and clearing activities, including temporary permits.

1180 E. "Clearing" means the cutting, killing, grubbing, or removing of vegetation or  
1181 other organic material by physical, mechanical, chemical, or any other similar means.

1182 ~~((E-))~~ F. "Compaction" means the densification of a fill by mechanical means.

1183 ~~((F-))~~ G. "Cutting" means the severing of the main trunk or stem of woody  
1184 vegetation at any point.

1185 ~~((G-))~~ H. "Department" means the department of local services or its successor.

1186 ~~((H-))~~ I. "Director" means the department of local services permitting division  
1187 manager or designee.

1188 ~~((I-))~~ J. "Earth material" means any rock~~((;))~~ or natural soil, or any combination  
1189 thereof.

1190 ~~((J-))~~ K. "Erosion" means the wearing away of the ground surface as the result of  
1191 the movement of wind, water, or ice.

1192 ~~((K-))~~ L. "Excavation" means the removal of earth material.

1193            ~~((E-))~~ M. "Fill" means a deposit of earth material or recycled or reprocessed waste  
1194 material consisting primarily of organic or earthen materials, or any combination thereof,  
1195 placed by mechanical means.

1196            ~~((M-))~~ N. "Geotechnical engineer" means an engineer who is licensed as a  
1197 professional engineer by the state of Washington and who has at least four years of relevant  
1198 professional employment.

1199            ~~((N-))~~ O.1. "Grade" means the elevation of the ground surface.

1200            ~~((1-))~~ 2. "Existing grade" means the grade before grading.

1201            ~~((2-))~~ 3. "Finish grade" means the final grade of the site that conforms to the  
1202 approved plan as required in K.C.C. 16.82.060.

1203            ~~((3-))~~ 4. "Rough grade" means the stage at which the grade approximately  
1204 conforms to the approved plan as required in K.C.C. 16.82.060.

1205            ~~((O-))~~ P. "Grading" means any excavating, filling or land-disturbing activity, or  
1206 combination thereof.

1207            ~~((P. "Grading and clearing permit" means the permit required by this chapter for  
1208 grading and clearing activities, including temporary permits.))~~

1209            Q. "Habitable space" means a space in a building for living, sleeping, eating, or  
1210 cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces, and similar areas  
1211 are not "habitable spaces."

1212            R. "Land disturbing activity" means an activity that results in a change in the  
1213 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

1214            ~~((R-))~~ S. "Pruning" means cutting or removal of branches and leaving at least two-  
1215 thirds of the existing tree branch structure.

1216            T. "Reclamation" means the final grading and restoration of a site to establish the  
1217 vegetative cover, soil surface water and groundwater conditions appropriate to  
1218 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

1219            ~~((S-))~~ U. "Shorelines" means those lands defined as shorelines in the state  
1220 Shoreline~~((s))~~ Management Act of 1971, chapter 90.58 RCW.

1221            ~~((F-))~~ V. "Site" means a single lot or parcel of land two or more contiguous lots that  
1222 are under common ownership or documented legal control, used as a single parcel for a  
1223 development proposal in order to calculate compliance with the standards and regulations of  
1224 this chapter. For purposes of this definition:

1225            1. "Documented legal control" includes fee simple or leasehold rights, or an  
1226 easement, or any combination thereof, that allows uses associated with the overall  
1227 development proposal; and

1228            2. Lots that are separated only by a public road ~~((right-of-way))~~ right of way shall  
1229 be considered to be contiguous.

1230            ~~((U-))~~ W. "Slope" means inclined ground surface, the inclination of which is  
1231 expressed as a ratio of horizontal distance to vertical distance.

1232            ~~((V-))~~ X. "Structural engineer" means an engineer who is licensed as a professional  
1233 engineer in the branch of structural engineering by the state of Washington.

1234            ~~((W-))~~ Y. "Structure" means that which is built or constructed, an edifice or building  
1235 of any kind, or any piece of work artificially built up or composed of parts jointed together  
1236 in some definite manner.

1237            ~~((X-))~~ Z. "Tree" means a large woody perennial plant usually with a single main  
1238 stem or trunk and generally over twelve feet tall at maturity.

1239            ~~((Y.))~~ AA. "Tree crown" means the primary and secondary branches growing out  
1240 from the main stem, together with twigs and foliage.

1241            BB. "Understory" means the vegetation layer of a forest that includes shrubs, herbs,  
1242 grasses and grass-like plants, but excludes native trees.

1243            ~~((Z.))~~ CC. "Vegetation" means any organic plant life growing at, below or above the  
1244 soil surface.

1245            DD. "Wildfire risk assessment certification" means completion of a National Fire  
1246 Protection Association Assessing Structure Ignition Potential training, a National Fire  
1247 Protection Association Certified Wildfire Mitigation Specialist certification program, or a  
1248 National Wildfire Coordinating Group S-215 training on Fire Operations in the Wildland  
1249 Urban Interface.

1250            SECTION 17. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are  
1251 hereby amended to read as follows:

1252            A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply  
1253 to the activities described in this section, if the terms are not defined in K.C.C. 16.82.020.

1254            B. The ~~((following))~~ activities in subsection D. of this section are ~~((exempted))~~  
1255 exempted from the requirement of obtaining a clearing or grading permit before undertaking  
1256 forest practices or clearing or grading activities, as long as those activities conducted in  
1257 critical areas are in compliance with the standards in this chapter and in K.C.C. chapter  
1258 21A.24. Activities not requiring a clearing and grading permit may require other permits,  
1259 including, but not limited to, a floodplain development permit.

1260            C. Clearing and grading permit requirement exemptions shall be interpreted as  
1261 follows:



1262 1. The use of "NP" in a cell means that no clearing or grading permit is required if  
 1263 the listed conditions are met;

1264 2. A number in a cell means the numbered condition in subsection E. of this  
 1265 section applies, and:

1266 a. where a series of numbers separated by commas are in a cell, each of the  
 1267 numbered conditions for that activity applies; and

1268 b. if more than one letter-number combination appears in a cell, at least one  
 1269 letter-number combinations shall be met for a given exemption to apply;

1270 3. In cases where an activity may be included in more than one activity category,  
 1271 the most-specific description of the activity shall govern whether a permit is required((-);

1272 4. For activities involving more than one critical area, compliance with the  
 1273 conditions applicable to each critical area is required((-); and

1274 5. Clearing and grading permits are required when a cell in this table is empty and  
 1275 for activities not listed on the table. ((Activities not requiring a clearing and grading permit  
 1276 may require other permits, including, but not limited to, a floodplain development permit.))

1277 D. Clearing and grading permit requirement exemption.

("NP" in a cell means no clearing or grading permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies.) "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	Out of	Coal	Erosion	Flood	Chann	Landsli	Seismi	Volca	Steep	Critical	Wetla	Aquati	Wildlife
	Critica	Mine	Hazard	Hazar	el	de	c	nic	Slope	Aquifer	nd and	c Area	Area
	l Area	Hazar		d	Migrat	Hazard	Hazar	Hazar	Hazard	Recharg	Buffer	and	and
	((Land	d			ion	and	d	d	and	e Area		Buffer	Buffer
	)) and					Buffer			Buffer				
	Buffer												

ACTIVITY													
<b>Grading and Clearing</b>													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2		NP 1, 2			
Clearing	NP 3 <u>NP</u> <u>23</u> NP 24	NP 3	NP 3	NP 3			NP 3	NP 3		NP 3	NP 4 NP 23	NP 4 NP 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	NP 25		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
<b>Roads</b>													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16

Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
<b>Utilities</b>													
Construction or maintenance of utility corridors or facility within the <del>((right of way))</del> <u>right of way</u>	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the <del>((right of way))</del> <u>right of way</u>	NP 1, 2, 3 <u>NP</u> <u>27</u> <u>NP</u> <u>28</u>		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
<b>Recreation areas</b>													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
<b>Habitat and science projects</b>													

Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
<b>Agriculture</b>													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
<b>Other</b>													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13			NP 13		NP 13	NP 13	NP 13

Maintenance of golf course	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	13	13	13	13	13	13			13	13	13	13	13

1278 ((C-)) E. The following conditions apply:

1279 1. Excavation less than five feet in vertical depth, or fill less than three feet in  
 1280 vertical depth that, cumulatively over time, does not involve more than one hundred cubic  
 1281 yards on a single site.

1282 2. Grading that produces less than two thousand square feet of new impervious  
 1283 surface on a single site added after January 1, 2005, or that produces less than two thousand  
 1284 square feet of replaced impervious surface or less than two thousand square feet of new plus  
 1285 replaced impervious surface after October 30, 2008. For purposes of this subsection  
 1286 ((C-))E.2., "new impervious surface" and "replaced impervious surface" are defined in  
 1287 K.C.C. 9.04.020.

1288 3. Cumulative clearing of less than seven thousand square feet on a single site  
 1289 since January 1, 2005, including, but not limited to, collection of firewood and removal of  
 1290 vegetation for fire safety. This exception shall not apply to development proposals:

- 1291 a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- 1292 b. in a critical drainage areas established by administrative rules;
- 1293 c. subject to clearing limits included in property-specific development standards  
 1294 and special district overlays under K.C.C. chapter 21A.38; or
- 1295 d. subject to urban growth area significant tree retention standards under K.C.C.  
 1296 16.82.156 and K.C.C. Title 21A((~~38.230~~)).

1297 4. Cutting firewood for personal use in accordance with a forest management plan  
 1298 or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this  
 1299 condition, personal use shall not include the sale or other commercial use of the firewood.

- 1300 5. Limited to material at any solid waste facility operated by King County.
- 1301 6. Allowed to prevent imminent danger to persons or structures.
- 1302 7. Cumulative clearing of less than seven thousand square feet annually or
- 1303 conducted in accordance with an approved farm management plan, forest management plan,
- 1304 or rural stewardship plan.
- 1305 8. Cumulative clearing of less than seven thousand square feet and either:
- 1306 a. conducted in accordance with a farm management plan, forest management
- 1307 plan or a rural stewardship plan; or
- 1308 b. limited to removal with hand labor.
- 1309 9. When ~~(conducted)~~ conducted as a Class I, II, III or IV-S forest practice as
- 1310 defined in chapter 76.09 RCW and Title 222 WAC.
- 1311 10. If done in compliance with K.C.C. 16.82.065.
- 1312 11. Only when conducted by or at the direction of a government agency in
- 1313 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less
- 1314 than two thousand square feet of new impervious surface on a single site added after January
- 1315 1, 2005, and is not within or does not directly discharge to an aquatic area or wetland. For
- 1316 purposes of this subsection C.11., "new impervious surface" is defined in K.C.C. 9.04.020.
- 1317 12. Limited to clearing conducted by or at the direction of a government agency or
- 1318 by a private utility that does not involve:
- 1319 a. slope stabilization or vegetation removal on slopes; or
- 1320 b. ditches that are used by salmonids.
- 1321 13. In conjunction with normal and routine maintenance activities, if:
- 1322 a. there is no alteration of a ditch or aquatic area that is used by salmonids:

- 1323           b. the structure, condition or site maintained was constructed or created in  
1324 accordance with law; and
- 1325           c. the maintenance does not expand the roadway, lawn, landscaping, ditch,  
1326 culvert, or other improved area being maintained.
- 1327           14. If a culvert is used by salmonids or conveys water used by salmonids and there  
1328 is no adopted farm management plan, the maintenance is limited to removal of sediment and  
1329 debris from the culvert and its inlet, invert, and outlet and the stabilization of the area within  
1330 three feet of the culvert where the maintenance disturbed or damaged the bank or bed and  
1331 does not involve the excavation of a new sediment trap adjacent to the inlet.
- 1332           15. If used by salmonids, only in compliance with an adopted farm plan in  
1333 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:
- 1334           a. The King Conservation District;
- 1335           b. King County department of natural resources and parks;
- 1336           c. King County department of local services, permitting division; or
- 1337           d. Washington state Department of Fish and Wildlife.
- 1338           16. Only if consistent with an adopted farm plan in accordance with K.C.C. Title  
1339 21A.
- 1340           17. Only if consistent with a farm plan.
- 1341           18. In accordance with a ((franchise)) right-of-way construction permit.
- 1342           19. Only within the roadway in accordance with a ((franchise)) right-of-way  
1343 construction permit.
- 1344           20. When:
- 1345           a. conducted by a public agency;

- 1346           b. the height of the facility is not increased;
- 1347           c. the linear length of the facility is not increased;
- 1348           d. the footprint of the facility is not expanded waterward;
- 1349           e. done in accordance with the Regional Road Maintenance Guidelines;
- 1350           f. done in accordance with the adopted King County Flood Hazard Management
- 1351 Plan and the Integrated Streambank Protection Guidelines (Washington State Aquatic
- 1352 Habitat Guidelines Program, 2002); and
- 1353           f. monitoring is conducted for three years following maintenance or repair and an
- 1354 annual report is submitted to the department.
- 1355           21. Only if:
- 1356           a. the activity is not part of a mitigation plan associated with another development
- 1357 proposal or is not corrective action associated with a violation; and
- 1358           b. the activity is sponsored or ~~((co-sponsored))~~ cosponsored by a ~~((public))~~
- 1359 government agency that has natural resource management as its primary function ~~((or a~~
- 1360 ~~federally recognized tribe,))~~ and the activity is limited to:
- 1361           (1) revegetation of the critical area and its buffer with native vegetation or the
- 1362 removal of noxious weeds or invasive vegetation;
- 1363           (2) placement of weirs, log controls, spawning gravel, woody debris, and other
- 1364 specific salmonid habitat improvements;
- 1365           (3) hand labor except:
- 1366           (a) the use of riding mower or light mechanical cultivating equipment and
- 1367 herbicides or biological control methods when prescribed by the King County noxious weed
- 1368 control board for the removal of noxious weeds or invasive vegetation; or



1369 (b) the use of helicopters or cranes if they have no contact with or otherwise  
1370 disturb the critical area or its buffer.

1371 22. If done with hand equipment and does not involve any clearing.

1372 23. Limited to ~~((removal of vegetation for forest fire prevention purposes in~~  
1373 ~~accordance with best management practices approved by the King County fire marshal))~~  
1374 tree and vegetation clearing for the purposes of wildfire preparedness, except tree and  
1375 vegetation clearing subject to K.C.C. 16.82.156 or K.C.C. Title 21A or otherwise requiring a  
1376 permit, including, but not limited to, alterations within critical areas, as follows:

1377 a. Within thirty feet of a residential structure containing habitable space, the  
1378 following is allowed:

1379 (1) vegetation removal:

1380 (a) within fifteen feet of the furthest attached exterior point of a residential  
1381 structure containing habitable space or a deck;

1382 (b) within ten feet of an installed above ground propane or liquefied petroleum  
1383 gas tank; and

1384 (c) underneath a tree crown to provide up to ten feet of clearance from the  
1385 ground to remove ladder fuels; and

1386 (2) removal and pruning of trees to provide:

1387 (a) ten feet of clearance from the ground to remove ladder fuels, as long as  
1388 pruning does not exceed one-third of tree height;

1389 (b) fifteen feet of clearance over driveways for emergency vehicle access;

1390 (c) eighteen feet between tree crowns; and

1391 (d) ten feet between tree crowns and decks, chimneys, propane tanks, liquefied  
1392 petroleum gas tanks, overhead communication cables, overhead electrical wires, or other  
1393 structures; and

1394 b All activities in subsection E.23.a. of this section are also allowed up to one  
1395 hundred feet from a residential structure containing habitable space if such clearing is  
1396 advised in a wildfire risk assessment conducted by a professional holding a wildfire risk  
1397 assessment certification, or the activity is advised in a forest stewardship plan approved by  
1398 the department of natural resources and parks that includes best management practices to  
1399 reduce wildfire risk, except as follows:

1400 (1) removal and pruning of trees to provide clearance between tree crowns is  
1401 limited to providing:

1402 (a) twelve feet between tree crowns, when more than thirty feet and up to  
1403 sixty feet of a residential structure containing habitable space; and

1404 (b) six feet between tree crowns, when more than sixty feet and up to one  
1405 hundred feet of a residential structure containing habitable space.

1406 24. Limited to the removal of downed trees.

1407 25. Except on properties that are:

1408 a. subject to clearing limits included in property-specific development standards  
1409 and special district overlays under K.C.C. chapter 21A.38; or

1410 b. subject to urban growth area significant tree retention standards under K.C.C.  
1411 16.82.156.

1412 26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance  
1413 activity is inspected by the:

- 1414 a. King Conservation District;
- 1415 b. department of natural resources and parks;
- 1416 c. department of local services, permitting division; or
- 1417 d. Washington state Department of Fish and Wildlife.
- 1418 27. Pruning of trees to provide up to ten feet of clearance from overhead
- 1419 communication cables and electrical wire components of utility facilities, if:
- 1420 a. no debris is left following the pruning activity;
- 1421 b. authorized by a right of way construction permit;
- 1422 c. pruning activities around overhead electrical facilities do not extend fifteen feet
- 1423 beyond the right of way; and
- 1424 d. any work is approved by the property owner.
- 1425 28. Tree and vegetation clearing, except for overhead facilities in subsection E.27.
- 1426 of this section, and except for tree and vegetation clearing subject to K.C.C. 16.82.156 or
- 1427 K.C.C. Title 21A or otherwise requiring a permit, as follows:
- 1428 a. Up to thirty feet measured horizontally from the utility facility structure, the
- 1429 following is allowed:
- 1430 (1) vegetation removal:
- 1431 (a) within fifteen feet of the furthest attached exterior point of a structure; and
- 1432 (b) underneath a tree crown to provide up to ten feet of clearance from the
- 1433 ground to remove ladder fuels;
- 1434 (2) removal and pruning of trees to provide:
- 1435 (a) ten feet of clearance from the ground to remove ladder fuels, as long as
- 1436 pruning does not exceed one-third of tree height;

1437 (b) fifteen feet of clearance over driveways for emergency vehicle access;

1438 (c) eighteen feet between tree crowns; and

1439 (d) ten feet between tree crowns and structures; and

1440 (3) the screening function of any landscaping planted to provide screening in

1441 K.C.C. chapter 21A.16 is maintained; and

1442 b. All of the activities in subsection E.28.a. of this section are also allowed up to

1443 one hundred feet measured horizontally from the utility facility structure if such clearing

1444 activity is advised in a wildfire risk assessment conducted by a professional holding a

1445 wildfire risk assessment certification, or the activity is advised in a forest stewardship plan

1446 approved by the department of natural resources and parks and that includes best

1447 management practices to reduce wildfire risks, except that removal and pruning of trees to

1448 provide clearance between tree crowns is limited to providing:

1449 (1) twelve feet between tree crowns, when more than thirty feet and up to sixty

1450 feet measured horizontally from a utility facility structure; and

1451 (2) six feet between tree crowns, when more than sixty feet and up to one

1452 hundred feet measured horizontally from a utility facility structure.

1453 SECTION 18. Ordinance 1488, Section 7, as amended, and K.C.C. 16.82.060 are

1454 hereby amended to read as follows:

1455 A. To obtain a permit, the applicant shall first file an application in writing on a

1456 form prescribed by the department that, in addition to the requirements of K.C.C. 20.20.040,

1457 shall include, at a minimum:

1458 1. Identification and description of the work to be covered by the permit for which

1459 application is made;

- 1460           2. An estimate of the quantities of work involved by volume and the total area  
1461 cleared or graded as a percentage of the total site area;
- 1462           3. An identification and description of:
- 1463           a. all critical areas on the site or visible from the boundaries of the site; and  
1464           b. ~~((all clearing restrictions applicable to the site in K.C.C. 16.82.150,))~~ critical  
1465 drainage areas requirements established by administrative rules or property-specific  
1466 development standards and special district overlays under K.C.C. chapter 21A.38;
- 1467           4. Location of any open space tracts or conservation easements if required under:
- 1468           a. ~~((K.C.C. 16.82.152;~~  
1469           ~~b.))~~ K.C.C. chapter 21A.14;  
1470           ~~((e.))~~ b. K.C.C. chapter 21A.37;  
1471           ~~((d.))~~ c. critical drainage areas; or  
1472           ~~((e.))~~ d. property-specific development standards or special district overlays under  
1473 K.C.C. chapter 21A.38;
- 1474           5. Plans and specifications that, at a minimum, include:
- 1475           a. property boundaries, easements, and setbacks;  
1476           b. a 1:2000 scale vicinity map with a north arrow;  
1477           c. horizontal and vertical scale;  
1478           d. size and location of existing improvements on and within fifty feet of the  
1479 project, indicating which will remain and which will be removed;  
1480           e. location of all proposed cleared areas;  
1481           f. existing and proposed contours at maximum five foot intervals, and extending  
1482 for one hundred feet beyond the project edge;

1483 g. at least two cross sections, one in each direction, showing existing and  
1484 proposed contours and horizontal and vertical scales; and

1485 h. a proposed erosion and sediment control plan as required by K.C.C. 16.82.095.

1486 B. Materials in addition to those required in subsection A. of this section may be  
1487 necessary for the department to complete the review. The following materials shall be  
1488 submitted when required by the department.

1489 1. Higher accuracy contours and more details of existing terrain and area drainage,  
1490 limiting dimensions, elevations or finished contours to be achieved by the grading, and  
1491 proposed drainage channels and related construction;

1492 2. If applicable, all drainage plans and documentation consistent with King County  
1493 Surface Water Design Manual;

1494 3. Restoration plan if required under K.C.C. (~~16.82.110~~) 21A.22.081; and

1495 4. Studies prepared by qualified specialists, as necessary to substantiate any  
1496 submitted materials and compliance with this chapter or other law, particularly if clearing or  
1497 grading is proposed to take place in or adjacent to a critical area.

1498 C. Plans and specifications shall be prepared and signed by a civil engineer if they  
1499 are prepared in conjunction with the proposed construction or placement of a structure,  
1500 include permanent drainage facilities or, if required by the department, propose alterations in  
1501 steep slope or landslide hazard areas.

1502 D. The department shall determine the number of copies of the required plans,  
1503 specifications and supporting materials necessary to expedite review and may require  
1504 submittal of materials in alternative formats.

1505 E. The director may waive specific submittal requirements if they are determined to  
1506 be unnecessary for the acceptance and subsequent review of an application.

1507 F. Any plans, specifications or supporting materials that are returned as a result of  
1508 permit denial or any other reason shall be returned to the applicant.

1509 SECTION 19. Ordinance 12560, Section 148, as amended, and K.C.C. 17.04.200  
1510 are hereby amended to read as follows:

1511 Section 104.1 of the International Fire Code is not adopted and the following is  
1512 substituted:

1513 **General (IFC 104.1).** The fire marshal is authorized to render interpretations of this  
1514 code and make and enforce such rules and regulations, in accordance with K.C.C. chapters  
1515 2.98 and 2.100, for the prevention and control of fires and fire hazards as necessary to  
1516 execute the application and the intent of this code, including but not limited to:

1517 1. Procedures to ensure that building permits for structures shall conform to the  
1518 requirements of this code.

1519 2. Procedures to ensure that applicable standards of this code shall be reviewed as  
1520 part of the subdivision, short subdivision, (~~urban planned development~~), rezone,  
1521 conditional use, special use, site development permit, binding site plan, and building permit  
1522 processes.

1523 3. Procedures to assure that the standard known as NFPA 13R shall be applied as a  
1524 minimum standard to all R occupancies.

1525 4. Procedures to allow for relaxation of the hydrant spacing requirements by as  
1526 much as 50 percent, except when such allowances would unreasonably reduce fire  
1527 protection to the area or structures served.

1528            SECTION 20. Ordinance 12560, Section 149, as amended, and K.C.C. 17.04.280

1529 are hereby amended to read as follows:

1530            Section 104 of the International Fire Code is supplemented with the following:

1531            Notice to fire districts (IFC 104.12).

1532            A. (~~Prior to~~) Before submitting an application for a commercial building permit,

1533 site development permit, binding site plan, a preliminary subdivision or short subdivision

1534 approval, final subdivision or short subdivision, (~~urban planned development,~~) zoning

1535 reclassification, conditional use, and special use permits to the department:

1536            1. the applicant shall submit a copy of the application to the fire district providing  
1537 fire protection services to the proposed development;

1538            2. subdivisions and short subdivisions applied for and/or recorded before February  
1539 1, 1989, shall be submitted once to the applicable fire district for review at the time of the  
1540 first building permit by the applicant for that building permit;

1541            3. it shall be the responsibility of the fire district to issue a receipt to the applicant  
1542 the same day it receives a copy of a permit application. The receipt shall constitute proof to  
1543 the director of the notification;

1544            4. the applicant shall include the fire district receipt with the permit application to  
1545 the department;

1546            5. it shall be the responsibility of the fire district to notify the fire marshal of any  
1547 comments within seven days of the receipt of an applied for permit.

1548            SECTION 21. Ordinance 17270, Section 2, as amended, and K.C.C. 18.25.010 are

1549 hereby amended to read as follows:



1550           A.1. The county developed a strategic climate action plan in 2012 to establish long-  
1551 term targets and guide actions within county services and operations to reduce greenhouse  
1552 gas emissions and adapt to a changing climate. In accordance with this chapter, the  
1553 executive updates the strategic climate action plan. Each update to the strategic climate  
1554 action plan shall be developed with an environmental justice framework in partnership with  
1555 those communities disproportionately impacted by climate change and in a manner  
1556 consistent with Ordinance 16948, which establishes the county's fair and just principle. The  
1557 strategic climate action plan shall include the following:

1558           a. the identification of specific goals, strategies, measures, targets, and priority  
1559 actions for county services and operations to reduce emissions consistent with the  
1560 countywide goal of reducing greenhouse gas emissions (~~((twenty-five percent by 2020,))~~)  
1561 fifty percent by 2030, seventy-five percent by 2040, and ~~((eighty))~~ ninety-five percent,  
1562 including net-zero emissions through carbon sequestration and other strategies, by 2050,  
1563 compared to a 2007 baseline. The strategic climate action plan should address five goal  
1564 areas for reducing greenhouse gas emissions: transportation and land use; building and  
1565 facilities energy; green building; consumption and materials management, including the  
1566 environmental purchasing program; and forestry and agriculture. Each goal area shall  
1567 address environmental justice and ensure that the strategies promote an equitable  
1568 distribution of any environmental benefit. The strategic climate action plan should establish  
1569 explicit and, whenever possible, quantifiable connections between the overarching climate  
1570 goals and specific strategies and actions;

1571           b.(1) a green jobs strategy. For purposes of this subsection A., a "green job"  
1572 means one that generates an income large enough to support a household in King County

1573 and provides a benefit to the environment. The intent of the green jobs strategy is to  
1574 encourage the development of green jobs along the career spectrum.

1575 (2) the green jobs strategy shall be developed in consultation with members of  
1576 the King County climate and equity community taskforce identified in subsection  
1577 A.1.b.(2)(f) of this section, labor and workforce development organizations directed in  
1578 subsection A.7. of this section, and representatives of an environmental justice and climate  
1579 equity organization, education, business, building managers, utilities, scientists with  
1580 knowledge of the latest research on strategies to reduce emissions, tribes, local governments,  
1581 and regional groups such as the King County-Cities Climate Collaboration and the Puget  
1582 Sound Regional Council, and shall include:

1583 (a) specific actions King County and its partners can take to increase the  
1584 number of green jobs and apprenticeships throughout the region, including jobs in energy  
1585 efficiency, renewable energy, green vehicles, and carbon sequestration, and King County  
1586 administrative, executive, policy, and technical jobs;

1587 (b) a proposal for and budget to develop a green job pipeline that focuses  
1588 especially on communities that have historically been underserved, and is informed by  
1589 recommendations of the climate and equity community task force;

1590 (c) identification of the industry sectors and job types with high-demand green  
1591 jobs in King County;

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

1595 vehicle maintenance, the maintenance of electric vehicle infrastructure, and carbon  
1596 sequestration technologies; and

1597 (e) an initial green jobs strategy in the 2020 Strategic Climate Action Plan  
1598 update, with findings and recommendations along with recommended next steps for refining  
1599 the green jobs strategy as part of plan implementation, biennial budgets, and future plan  
1600 updates; and

1601 (f) a community-driven strategy to achieve sustainable and resilient  
1602 communities. In order to achieve a community driven strategy, the executive shall convene  
1603 and partner with the King County climate and equity community task force to develop the  
1604 sustainable and resilient community strategy. The King County climate and equity  
1605 community task force shall be a racially and ethnically diverse group representing various  
1606 communities in King County that are on the frontline of climate change. The task force  
1607 shall develop goals and guide priority areas for climate action based on community values  
1608 and concerns. The sustainable and resilient community strategy shall:

1609 i. identify how climate change will impact communities of color, low-income  
1610 communities, and those disproportionately impacted by climate change;

1611 ii. identify opportunities to take actions to address those impacts that could  
1612 include increasing the number of affordable housing units, developing pathways to green  
1613 jobs, preventing neighborhood displacement, increasing access to green spaces, providing  
1614 access to zero emissions mobility options, improving food security, reducing pollution, and  
1615 addressing health disparities; and

1616 iii. based on assessment of climate impacts and extreme weather events like  
1617 heat waves on vulnerable communities, make recommendations for preparedness strategies

1618 and actions to include in county emergency response plans, the flood hazard management  
1619 plan and the regional hazard mitigation plan;

1620 c. the current assessment of climate change impacts in King County and  
1621 identification of goals, strategies, measures, targets, and priority actions within county  
1622 services and county operations to address climate change impacts. Each goal and strategy  
1623 shall address environmental justice and ensure that the strategies promote an equitable  
1624 distribution of any environmental benefit;

1625 d. performance measures and related targets for both operational emissions and  
1626 implementation of priority strategies, including the green job strategy, that advance the  
1627 strategic climate action plan and provide for assessment of progress relative to overarching  
1628 climate goals at the community scale; and

1629 e. an assessment of cost effectiveness for key county services and operations  
1630 building on the pilot cost effectiveness assessment in the 2015 strategic climate action plan  
1631 update.

1632 2. Consistent with the county's strategic planning cycle, updates will occur at least  
1633 every five years, unless more frequent updates are needed to respond to changing  
1634 information about emissions sources, performance relative to targets, new technologies, or a  
1635 changing regulatory context. The executive shall transmit updates to the strategic climate  
1636 action plan to the council for adoption by motion.

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

1641 organizations to advance actions to reduce greenhouse gas emissions and prepare for climate  
1642 change impacts.

1643 4. The council recognizes that science related to climate change and successful  
1644 climate solutions is evolving, and each update to the strategic climate action plan should  
1645 build upon and refine the strategies, activities, and performance targets in accordance with  
1646 best available science, practices, and progress toward emissions reductions targets.

1647 5. Future updates shall include the requirements of subsection A.1. of this section.

1648 6. Progress in achieving strategic climate action plan performance measure targets  
1649 and accomplishment of priority actions identified in subsection A.1. of this section, as well  
1650 as findings outlining recommendations for changes in policies, priorities, and capital  
1651 investments, shall be reported and transmitted to council biennially. The progress report  
1652 shall be included as part of the report required in K.C.C. 18.50.010.

1653 7. The executive shall convene a strategic climate action plan labor advisory  
1654 council or seek input from county labor and workforce development organizations,  
1655 including the Martin Luther King, Jr. County Labor Council of Washington, the Seattle  
1656 Building and Construction Trades Council, and the Workforce Development Council of  
1657 Seattle-King County, on recommendations for policies, programs, and partnerships to  
1658 strengthen pathways to local green jobs and to provide guidance on each update.

1659 B. Future updates to climate-related objectives and strategies should be informed by  
1660 the strategic climate action plan.

1661 C. The executive must transmit the legislation and reports required to be submitted  
1662 by this section in the form of a paper original and an electronic copy with the clerk of the  
1663 council, who shall retain the original and provide an electronic copy to all councilmembers,

1664 the council chief of staff, and the lead staff for the transportation, economy and environment  
1665 committee or its successor.

1666 SECTION 22. Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070  
1667 are hereby amended to read as follows:

1668 A. A property owner may request that the department determine whether a lot was  
1669 legally created. The property owner shall demonstrate to the satisfaction of the department  
1670 that a lot was created in compliance with applicable state and local land segregation statutes  
1671 or codes in effect at the time the lot was created.

1672 B. A lot shall be recognized as a legal lot:

1673 1. If before October 1, 1972, it was:

1674 a. conveyed as an individually described parcel to separate, noncontiguous  
1675 ownerships through a fee simple transfer or purchase; or

1676 b. recognized as a separate tax lot by the county assessor;

1677 2. If created by a recorded subdivision before June 9, 1937, and it was served by  
1678 one of the following before January 1, 2000:

1679 a. an approved sewage disposal; or

1680 b. an approved water system; ~~(or~~

1681 ~~e. a road that was:~~

1682 ~~(1) accepted for maintenance by the King County department of transportation;~~

1683 ~~or~~

1684 ~~(2) located within an access easement for residential use or in a road right-of-~~

1685 ~~way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete,~~

1686 or compact gravel, that complied with the King County road standards in effect at the time  
1687 the road was constructed;))

1688 3. If created by an approved short subdivision, including engineers subdivisions;

1689 4. If created by a recorded subdivision on or after June 9, 1937; or

1690 5. If created through the following alternative means of lot segregation provided  
1691 for by state statute or county code:

1692 a. at a size five acres or greater, created by a record of survey recorded between  
1693 August 11, 1969, and October 1, 1972, and that did not contain a dedication;

1694 b. at a size twenty acres or greater, created by a record of survey recorded before  
1695 January 1, 2000, and not subsequently merged into a larger lot;

1696 c. at a size forty acres or greater created through a larger lot segregation made in  
1697 accordance with RCW 58.18.010, approved by King County and not subsequently merged  
1698 into a larger lot. Within the F zone, each lot of tract shall be of a size that meets the  
1699 minimum lot size requirements of K.C.C. 21A.12.040.A;

1700 d. through testamentary provisions or the laws of descent after August 10, 1969;

1701 or

1702 e. as a result of deeding land to a public body after April 3, 1977.

1703 C. In requesting a determination, the property owner shall submit evidence, deemed  
1704 acceptable to the department, such as:

1705 1. Recorded subdivisions or division of land into four lots or less;

1706 2. King County documents indicating approval of a short subdivision;

1707 3. Recorded deeds or contracts describing the lot or lots either individually or as  
1708 part of a conjunctive legal description (~~((e.g.)),~~ such as Lot 1 and Lot 2(~~(+)~~)); or

1709           4. Historic tax records or other similar evidence, describing the lot as an individual  
1710 parcel. The department shall give great weight to the existence of historic tax records or tax  
1711 parcels in making its determination.

1712           D. Once the department has determined that the lot was legally created, the  
1713 department shall continue to acknowledge the lot as such, unless the property owner  
1714 reaggregates or merges the lot with another lot or lots in order to:

1715           1. Create a parcel of land that would qualify as a building site, or

1716           2. Implement a deed restriction or condition, a covenant or court decision.

1717           E. The department’s determination shall not be construed as a guarantee that the lot  
1718 constitutes a building site as defined in K.C.C. 19A.04.060. Testamentary lots created after  
1719 December 31, 1999, and before January 1, 2019, are exempt from meeting the minimum lot  
1720 area requirements in K.C.C. 21A.12.030 and 21A.12.040 for the applicable zoning district,  
1721 if all other federal, state, and local statutes and regulations are met. All other testamentary  
1722 lots shall be required to meet all federal, state, and local statutes and regulations, including  
1723 minimum lot area requirements in K.C.C. 21A.12.030 and 21A.12.040.

1724           F. Reaggregation of lots after January 1, 2000, shall only be the result of a  
1725 deliberate action by a property owner expressly requesting the department for a permanent  
1726 merger of two or more lots through a boundary line adjustment under K.C.C. chapter  
1727 19A.28.

1728           SECTION 23. Ordinance 13694, Section 56, as amended, and K.C.C. 19A.12.020  
1729 are hereby amended to read as follows:

1730           A. Preliminary subdivision approval shall be effective for a period of sixty months.



1731 B. Preliminary subdivision approval shall be considered the basis upon which the  
1732 applicant may proceed toward development of the subdivision and preparation of the final  
1733 plat subject to all the conditions of the preliminary approval.

1734 C. If the final plat is being developed in divisions, and final plats for all of the  
1735 divisions have not been recorded within the time limits provided in this section, preliminary  
1736 subdivision approval for all unrecorded divisions shall become void. The preliminary  
1737 subdivision for any unrecorded divisions must again be submitted to the department with a  
1738 new application, subject to the fees and regulations applicable at the time of submittal.

1739 D. ~~((An urban planned development permit, fully contained community permit, or  
1740 development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the  
1741 preliminary approval period beyond sixty months for any preliminary subdivision approved  
1742 simultaneous or subsequent to the urban planned development permit or fully contained  
1743 community permit. Such extensions may be made contingent upon satisfying conditions set  
1744 forth in the urban planned development permit, fully contained community permit or  
1745 development agreement. In no case shall the extended preliminary approval period exceed  
1746 the expected buildout time period of the urban planned development or fully contained  
1747 community as provided in the urban planned development permit, fully contained  
1748 community permit or development agreement. This section shall apply to any approved  
1749 urban planned development permit, fully contained community permit or development  
1750 agreement in existence on January 1, 2000, or approved subsequent to January 1, 2000.~~

1751 ~~E.))~~ For any plat with more than four hundred lots that is also part of the county's  
1752 four to one program, the preliminary subdivision approval shall be effective for eighty-four  
1753 months. This subsection applies to any preliminary plat approved by either the council or

1754 the hearing examiner, or both, on or after January 1, 1998, that relates to a four to one  
1755 program with proposed plats containing more than four hundred lots.

1756 ~~((F.))~~ E. For any plat with more than fifty lots where fifty percent or more of those  
1757 lots will constitute affordable housing (~~(which)~~) that is housing for those that have incomes  
1758 of less than eighty percent of median income for King County as periodically published by  
1759 the United States Department of Housing and Urban Development, or its successor agency,  
1760 and at least a portion of the funding for the project has been provided by federal, state or  
1761 county housing funds, the preliminary subdivision shall be effective for seventy-two  
1762 months. This subsection applies to any plat that has received preliminary approval on or  
1763 after January 1, 1998.

1764 ~~((G.1. For any plat that has received preliminary approval on or after December 1,  
1765 2003, the preliminary subdivision approval shall be valid for a period of eighty-four months.  
1766 The department may make revisions to the fee estimate issued by the department under  
1767 K.C.C. 27.02.065.~~

1768 ~~2. For any plat that received preliminary approval on or after December 1, 2003,  
1769 pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a  
1770 period of one hundred and eight months. The department may make revisions to the fee  
1771 estimate issued by the department under K.C.C. 27.02.065.~~

1772 ~~3. This subsection shall retroactively apply to any plat that has received  
1773 preliminary approval on or after December 1, 2003. This subsection expires December 31,  
1774 2014.)~~

1775 SECTION 24. Ordinance 13694, Section 80, as amended, and K.C.C. 19A.28.020  
1776 are hereby amended to read as follows:

1777 Adjustment of boundary lines between adjacent lots shall be consistent with the  
1778 following review procedures and limitations:

1779 A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit  
1780 as provided in K.C.C. chapter 20.20. The review shall include examination for consistency  
1781 with the King County zoning code, K.C.C. Title 21A., shoreline master program, K.C.C.  
1782 chapter 21A.25, applicable board of health regulations, and, for developed lots, fire, and  
1783 building codes;

1784 B. A lot created through a large lot segregation shall be consistent with the  
1785 underlying zoning and shall not be reduced to less than twenty acres within ten years of the  
1786 large lot segregation approval unless it is subdivided in accordance with K.C.C. chapter  
1787 19A.12;

1788 C. Any adjustment of boundary lines must be approved by the department before  
1789 the transfer of property ownership between adjacent legal lots;

1790 D. A boundary line adjustment proposal shall not:

1791 1. Result in the creation of an additional lot or the creation of more than one  
1792 additional building site;

1793 2. Result in a lot that does not qualify as a building site (~~(pursuant to)~~ under this  
1794 title;

1795 3. Relocate an entire lot from one parent parcel into another parent parcel;

1796 4. Reduce the overall area in a plat or short plat devoted to open space;

1797 5. Be inconsistent with any restrictions or conditions of approval for a recorded  
1798 plat or short plat;

1799 6. Involve lots (~~(which)~~ that do not have a common boundary; (~~(or)~~))

1800           7. Circumvent the subdivision or short subdivision procedures (~~(set forth)~~) in this  
1801 title. Factors (~~(which)~~) that indicate that the boundary line adjustment process is being used  
1802 in a manner inconsistent with statutory intent include: numerous and frequent adjustments to  
1803 the existing lot boundary, a proposal to move a lot or building site to a different location,  
1804 and a large number of lots being proposed for a boundary line adjustment; or

1805           8. Circumvent standards or procedures in K.C.C. Title 21A;

1806           E. The elimination of lines between two or more lots shall in all cases shall be  
1807 considered a minor adjustment of boundary lines and shall not be subject to the subdivision  
1808 and short subdivision provisions of this title or to K.C.C. 19A.28.030. The format and  
1809 requirements of a minor adjustment under this subsection shall be specified by the  
1810 department;

1811           F. Recognized lots in an approved site plan for a conditional use permit, special use  
1812 permit, (~~(urban planned development,))~~ or commercial site development permit shall be  
1813 considered a single site and no lot lines on the site may be altered by a boundary line  
1814 adjustment to transfer density or separate lots to another property not included in the original  
1815 site plan of the subject development; and

1816           G. Lots that have been subject to a boundary line adjustment process that resulted in  
1817 the qualification of an additional building site shall not be permitted to utilize the boundary  
1818 line adjustment process again for five years to create an additional building site.

1819           SECTION 25. Ordinance 18810, Section 3, and K.C.C. 20.08.037 are hereby  
1820 amended to read as follows:

1821           "Area zoning and land use study" means a study that reviews the land use  
1822 designations and zoning classifications for a specified set of properties. "Area zoning and

1823 land use studies" are typically focused on a ~~((broader set of policies than a subarea study))~~  
1824 specific set of possible zoning and land use changes, and do not look at the larger range of  
1825 issues that a subarea plan would include. "Area zoning and land use studies" consider  
1826 specific potential changes to land use or zoning, or both, and analyze such requests based on  
1827 surrounding land use and zoning, current infrastructure and potential future needs, and  
1828 consistency with the King County Comprehensive Plan, countywide planning policies, and  
1829 the Growth Management Act, chapter 36.70A RCW.

1830 SECTION 26. Ordinance 263, Art. 3 (part), and K.C.C. 20.08.060 are hereby  
1831 amended to read as follows:

1832 "Subarea plan" means a detailed local land use plan that implements, is consistent  
1833 with and is an element of the Comprehensive Plan, containing specific policies, guidelines,  
1834 and criteria adopted by the council to guide development and capital improvement decisions  
1835 within specific subareas of the county. ~~((Subareas are))~~ Subarea plans are used for distinct  
1836 communities, specific geographic areas, or other types of districts having unified interests or  
1837 similar characteristics within the county. Subarea plans may include ~~((community plans))~~,  
1838 but are not limited to, community service area subarea plans~~((, neighborhood plans, basin~~  
1839 ~~plans and plans addressing multiple areas having common interests))~~. ~~((The relationship~~  
1840 ~~between the 1994 King County Comprehensive Plan and subarea plans is established by~~  
1841 ~~K.C.C. 20.12.015.))~~

1842 SECTION 27. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.  
1843 20.12.010 are hereby amended to read as follows:

1844 Under the King County Charter, the state Constitution, and the Washington state  
1845 Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King

1846 County Comprehensive Plan via Ordinance 11575 and declared it to be the  
1847 Comprehensive Plan for King County until amended, repealed, or superseded. The  
1848 Comprehensive Plan has been reviewed and amended multiple times since its adoption in  
1849 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the  
1850 ~~((2016))~~ 2024 King County Comprehensive Plan, as adopted in ~~((Ordinance 18427 and as~~  
1851 ~~amended by Ordinance 18623, Ordinance 18810, Ordinance 19034, Ordinance 19146 and~~  
1852 ~~Ordinance 19555))~~ this ordinance. The Comprehensive Plan shall be the principal  
1853 planning document for the orderly physical development of the county and shall be used  
1854 to guide subarea plans, functional plans, provision of public facilities and services,  
1855 review of proposed incorporations and annexations, development regulations, and land  
1856 development decisions.

1857 SECTION 28. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are  
1858 hereby amended to read as follows:

1859 A. The King County shoreline master program consists of the following  
1860 elements, enacted on or before ~~((March 25, 2021))~~ the date of enactment of this  
1861 ordinance:

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

1869 e. K.C.C. 21A.24.125;  
1870 f. K.C.C. 21A.24.130;  
1871 g. K.C.C. 21A.24.133;  
1872 h. K.C.C. 21A.24.200;  
1873 i. K.C.C. 21A.24.210;  
1874 j. K.C.C. 21A.24.220;  
1875 k. K.C.C. 21A.24.275;  
1876 l. K.C.C. 21A.24.280;  
1877 m. K.C.C. 21A.24.290;  
1878 n. K.C.C. 21A.24.300;  
1879 o. K.C.C. 21A.24.310;  
1880 p. K.C.C. 21A.24.316;  
1881 q. K.C.C. 21A.24.318;  
1882 r. K.C.C. 21A.24.325;  
1883 s. K.C.C. 21A.24.335;  
1884 t. K.C.C. 21A.24.340;  
1885 u. K.C.C. 21A.24.355;  
1886 v. K.C.C. 21A.24.358;  
1887 w. K.C.C. 21A.24.365;  
1888 x. K.C.C. 21A.24.380;  
1889 y. K.C.C. 21A.24.382;  
1890 z. K.C.C. 21A.24.386; and  
1891 aa. K.C.C. 21A.24.388;

- 1892 4. The following:
- 1893 a. K.C.C. 20.18.040;
- 1894 b. K.C.C. 20.18.050;
- 1895 c. K.C.C. 20.18.056;
- 1896 d. K.C.C. 20.18.057;
- 1897 e. K.C.C. 20.18.058;
- 1898 f. K.C.C. 20.22.160;
- 1899 g. K.C.C. 21A.32.045;
- 1900 h. K.C.C. 21A.44.090;
- 1901 i. K.C.C. 21A.44.100; and
- 1902 j. K.C.C. 21A.50.030.

1903 B. The shoreline management goals and policies constitute the official policy of

1904 King County regarding areas of the county subject to shoreline ((~~management~~))

1905 jurisdiction under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King

1906 County's local administrative, enforcement, and permit review procedures shall conform

1907 to chapter 90.58 RCW but shall not be a part of the master program.

1908 C. Amendments to the shoreline master program do not apply to the shoreline

1909 jurisdiction until approved by the Washington state Department of Ecology as provided

1910 in RCW 90.58.090. The department of local services, permitting division, shall, within

1911 ten days after the date of the Department of Ecology's approval, file a copy of the

1912 Department of Ecology's approval, in the form of an electronic copy, with the clerk of the

1913 council, who shall retain the original and provide electronic copies to all



1914 councilmembers, the chief of staff, and the lead staff of the local services and land use  
1915 committee, or its successor.

1916 SECTION 29. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030  
1917 are hereby amended to read as follows:

1918 A. The King County Comprehensive Plan shall be amended in accordance with  
1919 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public  
1920 participation program whereby amendments are considered by the council no more  
1921 frequently than once a year as part of the update schedule established in this chapter,  
1922 except that the council may consider amendments more frequently to address:

1923 1. Emergencies, if:

1924 a. an emergency exists, based on the council finding that the amendment is  
1925 necessary for the immediate preservation of public peace, health, or safety or for the  
1926 support of county government and its existing public institutions; and

1927 b. public notice and an opportunity for public comment precede adoption of  
1928 the emergency amendments;

1929 2. An appeal of the plan filed with the Central Puget Sound Growth  
1930 Management Hearings Board or with the court;

1931 3. The initial adoption of a subarea plan, which may amend the urban growth  
1932 area boundary only to redesignate land within a joint planning area;

1933 4. An amendment of the capital facilities element of the Comprehensive Plan  
1934 that occurs in conjunction with the adoption of the county budget under K.C.C.

1935 4A.100.010; or

1936           5. The adoption or amendment of a shoreline master program under chapter  
1937 90.58 RCW.

1938           B. Every year the Comprehensive Plan may be updated to address technical  
1939 updates and corrections, to adopt community service area subarea plans, and to consider  
1940 amendments that do not require substantive changes to the Comprehensive Plan or  
1941 subarea plan policy language or do not require changes to the urban growth area  
1942 boundary, except as ~~((permitted in subsection B.9. and 11. of this section))~~ allowed in  
1943 Comprehensive Plan chapter 12. The review may be referred to as the annual update.  
1944 ~~((The Comprehensive Plan, including subarea plans, may be amended in the annual~~  
1945 ~~update only to consider the following:~~

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

1958           ~~10. Amendments necessary for the conservation of threatened and endangered~~  
1959 ~~species;~~

1960           ~~11. Site-specific land use map amendments that do not require substantive~~  
1961 ~~change to Comprehensive Plan policy language and that do not alter the urban growth~~  
1962 ~~area boundary, except to correct mapping errors;~~

1963           ~~12. Amendments resulting from subarea studies required by Comprehensive~~  
1964 ~~Plan policy that do not require substantive change to Comprehensive Plan policy~~  
1965 ~~language and that do not alter the urban growth area boundary, except to correct mapping~~  
1966 ~~errors;~~

1967           ~~13. Changes required to implement a study regarding the provision of~~  
1968 ~~wastewater services to a Rural Town. The amendments shall be limited to policy~~  
1969 ~~amendments and adjustment to the boundaries of the Rural Town as needed to implement~~  
1970 ~~the preferred option identified in the study;~~

1971           ~~14. Adoption of community service area subarea plans;~~

1972           ~~15. Amendments to the Comprehensive Plan update schedule that respond to~~  
1973 ~~adopted ordinances and improve alignment with the timing requirements in the~~  
1974 ~~Washington state Growth Management Act, chapter 36.70A RCW ("the GMA"), and~~  
1975 ~~alignment with multicounty and countywide planning activities; or~~

1976           ~~16. Amendments to the Comprehensive Plan Workplan to change deadlines.))~~

1977           C. Every ~~((eighth))~~ tenth year beginning in 2024, the county shall complete a  
1978 comprehensive review of the Comprehensive Plan in order to update it as appropriate and  
1979 to ensure continued compliance with the GMA. This review may provide for a  
1980 cumulative analysis of the twenty-year plan based upon official population growth

1981 forecasts, benchmarks, and other relevant data in order to consider substantive changes to  
1982 the Comprehensive Plan and changes to the urban growth area boundary. The  
1983 comprehensive review shall ~~((begin one year in advance of the transmittal))~~ follow the  
1984 schedule established in K.C.C. 20.18.060 and may be referred to as the ~~((eight))~~ ten-year  
1985 update. The urban growth area boundaries shall be reviewed in the context of the  
1986 ~~((eight))~~ ten-year update and in accordance with countywide planning policy ~~((G-1))~~ FW-  
1987 1 and RCW 36.70A.130.

1988 D.1. At the midpoint of the ~~((eight))~~ ten-year update process, a limited update to  
1989 the Comprehensive Plan to address time-sensitive issues before to the next ~~((eight))~~ ten-  
1990 year update, may be authorized by motion. The update may be referred to as the  
1991 midpoint update. The midpoint update may include those substantive changes to the  
1992 Comprehensive Plan and amendments to the urban growth area boundary that are  
1993 identified in the scope of work. The midpoint update may also include additions or  
1994 amendments to the Comprehensive Plan Workplan related to a topic identified in the  
1995 scope of work.

1996 2. The motion shall specify the scope of the midpoint update, and identify that  
1997 the resources necessary to accomplish the work are available. A fiscal note for the scope  
1998 of the midpoint update shall be provided to the council by the executive within fifteen  
1999 business days of introduction of the proposed motion. If the executive determines an  
2000 additional appropriation is necessary to complete the midpoint update, the executive may  
2001 transmit an ordinance requesting the additional appropriation.

2002 3. If the executive proposes a midpoint update, the executive shall transmit to  
2003 the council by the last business day in ~~((June))~~ March two years before the midpoint year

2004 of the ~~((eight))~~ ten-year update schedule a proposed motion specifying the scope of work  
2005 for the midpoint update. The council shall have until ~~((September 15))~~ June 30 of that  
2006 year, to adopt a motion specifying the scope of work initiating a midpoint update, either  
2007 as transmitted or amended, or as introduced or amended. If the motion is approved by  
2008 ~~((September 15))~~ June 30, the scope shall proceed as established by the approved motion.  
2009 In the absence of council approval by ~~((September 15))~~ June 30, the executive shall  
2010 proceed to implement the scope as transmitted. If such a motion is adopted, the  
2011 executive shall transmit a midpoint update by the last business day of June of the  
2012 following year after adoption of the motion. The council shall have until June 30 of the  
2013 following year after transmittal to adopt a midpoint update.

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

2027 ~~shall have until the last business day of July 2020 to adopt the 2020 Comprehensive Plan~~  
2028 ~~update.))~~

2029 E. The executive shall seek public comment on the Comprehensive Plan and any  
2030 proposed Comprehensive Plan update in accordance with the procedures in K.C.C.  
2031 20.18.160 before making a recommendation, which shall include publishing a public  
2032 review draft of the proposed Comprehensive Plan update, in addition to conducting the  
2033 public review and comment procedures required by SEPA. The public shall be afforded  
2034 at least one official opportunity to record public comment before the transmittal of a  
2035 recommendation by the executive to the council. County-sponsored councils and  
2036 commissions may submit written position statements that shall be considered by the  
2037 executive before transmittal and by the council before adoption, if they are received in a  
2038 timely manner. The executive's recommendations for changes to policies ~~((, text and~~  
2039 ~~maps))~~ shall include the elements listed in Comprehensive Plan policy I-207 ~~((and~~  
2040 ~~analysis of their financial costs and public benefits, any of which may be included in~~  
2041 ~~environmental review documents))~~. Proposed amendments to the Comprehensive Plan  
2042 shall be accompanied by any development regulations or amendments to development  
2043 regulations, including area zoning, necessary to implement the proposed amendments.

2044 SECTION 30. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are  
2045 hereby amended to read as follows:

2046 A. Site-specific land use map or shoreline master program map amendments may be  
2047 considered during the annual update, midpoint update or ~~((eight))~~ ten-year update,  
2048 depending on the degree of change proposed.

2049 B. ~~((The following categories of s))~~Site-specific land use map amendments or  
2050 shoreline master program map that do not require substantive change to Comprehensive  
2051 Plan or subarea plan language and that do not alter the urban growth area boundary, except  
2052 to correct mapping errors, may be initiated by either the county or a property owner for  
2053 consideration in the annual update(~~(=~~

2054 1. ~~Amendments that do not require substantive change to Comprehensive Plan~~  
2055 ~~policy language and that do not alter the urban growth area boundary, except to correct~~  
2056 ~~mapping errors; and~~

2057 2. ~~Four to one proposals~~)).

2058 C. The following categories of site-specific land use map and shoreline master  
2059 program amendments may be initiated by either the county or a property owner for  
2060 consideration in the ~~((eight))~~ ten-year update or midpoint update:

2061 1. Amendments that could be considered in the annual update;

2062 2. Amendments that require substantive change to Comprehensive Plan policy  
2063 language; and

2064 3. Amendments to the urban growth area boundary.

2065 SECTION 31. Ordinance 3688, Section 813, as amended, and K.C.C. 20.18.056 are  
2066 hereby amended to read as follows:

2067 A. Shoreline environments designated by the master program may be considered for  
2068 redesignation during the ~~((eight))~~ ten-year update or midpoint update.

2069 B. A redesignation shall follow the process in K.C.C. 20.18.050.

2070 SECTION 32. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060 are  
2071 hereby amended to read as follows:

2072 A. Beginning in ~~((2022))~~ 2030, and every ~~((eighth))~~ ten years thereafter, the  
2073 executive shall initiate the ten-year update to the Comprehensive Plan required by K.C.C.  
2074 20.18.030.C. The ten-year update process shall occur as follows:

2075 1. The executive shall review the performance of the Comprehensive Plan,  
2076 consistent with the measures established by motion, to inform the scope of work in  
2077 subsection A.2. of this section. By the last business day of December 2030, and every ten  
2078 years thereafter, the executive shall transmit to the council the Comprehensive Plan  
2079 Performance Measures Report.

2080 2.a. By September 15, 2031, and every ten years thereafter, the executive shall  
2081 transmit to the council a proposed motion specifying the scope of work for the proposed ten-  
2082 year update to the Comprehensive Plan ~~((that will occur in the following year under))~~ in  
2083 subsection ~~((B-))~~ A.3. of this section.

2084 ~~((1-))~~ The scoping motion shall include as an attachment to the motion the  
2085 following:

2086 ~~((a-))~~ (1) topical areas relating to amendments to policies, the land use map,  
2087 implementing development regulations or any combination of those amendments that the  
2088 executive intends to consider for recommendation to the council; and

2089 ~~((b- an attachment to the motion advising the council of))~~ (2) the work program  
2090 the executive intends to follow to accomplish State Environmental Policy Act review and  
2091 public participation.

2092 ~~((2.a. For the eight-year update required by RCW 36.70A.130 to be completed in~~  
2093 ~~2024, the executive shall transmit to the council the scoping motion required in subsection~~



2094 ~~A. of this section by March 31, 2022. The council shall have until June 15, 2022, to~~  
2095 ~~approve the motion.~~

2096 ~~b. Beginning in 2030 and every eight years thereafter, the executive shall transmit~~  
2097 ~~to the council the scoping motion required in subsection A. of this section by the last~~  
2098 ~~business day of June.)~~

2099 b. The council shall have until ~~((September 15))~~ December 31 of that year to  
2100 approve the motion.

2101 ~~((3.))~~ In the absence of council approval, the executive shall proceed to implement  
2102 the scope of work as proposed in the motion transmitted by the executive. If the motion is  
2103 approved, the scope of work shall proceed as established by the approved motion.

2104 ~~((B.))~~ 3. Except as otherwise provided in subsection ~~((C.))~~ B. of this section:  
2105 ~~((1. For the eight year update required by RCW 36.70A.130 to be completed in~~  
2106 ~~2024, the executive shall transmit to the council by December 29, 2023, a proposed~~  
2107 ~~ordinance updating the Comprehensive Plan. The transmittal shall be accompanied by a~~  
2108 ~~public participation note, identifying the methods used by the executive to ensure early and~~  
2109 ~~continuous public participation in the preparation of amendments. The council shall have~~  
2110 ~~until December 31, 2024, to adopt the update to the Comprehensive Plan, in accordance~~  
2111 ~~with RCW 36.70A.130; and~~

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

2116 methods used by the executive to ensure early and continuous public participation in the  
2117 preparation of amendments.

2118 b. The council shall have until June 30 ~~((of the following year))~~, 2034, and every  
2119 ten years thereafter to adopt ~~((an))~~ the ten-year update to the Comprehensive Plan, in  
2120 accordance with RCW 36.70A.130.

2121 ~~((C.))~~ B. Separate from ~~((the eight))~~ ten-year Comprehensive Plan updates required  
2122 in subsection ~~((B.))~~ A. of this section:

2123 1. Except as otherwise provided in subsection B.2. of this section, ~~((F))~~ in years  
2124 where there is a biennial budget proposed, the capital improvement program, an update or  
2125 addendum where appropriate to the transportation needs report, and the school capital  
2126 facility plans shall be:

2127 a. transmitted by the executive to the council no later than transmittal of the  
2128 biennial budget; and

2129 b. adopted by the council in conjunction with the biennial budget; ~~((and))~~

2130 2. Subsection B.1. of this section shall not apply to the transportation needs report  
2131 in years when a transmitted ten-year Comprehensive Plan update is being reviewed the  
2132 council as required in subsection A.3. of this section; and

2133 3. In years when there is only a midbiennium review of the budget under K.C.C.  
2134 4A.100.010, the capital improvement program and the school capital facility plans shall be:

2135 a. transmitted by the executive to the council by October 1; and

2136 b. adopted by the council no later than adoption of the midbiennium review.

2137 SECTION 33. Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070 are  
2138 hereby amended to read as follows:

2139           A. The executive shall transmit to the council the annual update by the last business  
2140 day of June, except that the capital improvement program (~~and the ordinances adopting~~  
2141 ~~updates to the~~), transportation needs report, and the school capital facility plans shall be  
2142 transmitted (~~no later than the biennial budget transmittal and shall be adopted in~~  
2143 ~~conjunction with the budget. However, in those years when there is only a midbiennium~~  
2144 ~~review of the budget, the ordinances adopting the capital improvement plan and the school~~  
2145 ~~capital facility plans shall be transmitted by October 1, and adopted no later than the~~  
2146 ~~midbiennium review under K.C.C. 4A.100.010)) and adopted in accordance with the  
2147 schedules in K.C.C. 20.18.060.B.~~

2148           B. All transmittals shall be accompanied by a public participation (~~note~~) summary,  
2149 identifying the methods used by the executive to assure early and continuous public  
2150 participation in the preparation of updates.

2151           C. Proposed amendments, including site-specific land use map amendments, that  
2152 are found to require preparation of an environmental impact statement, shall be considered  
2153 for inclusion in the next annual, midpoint, or (~~eight~~) ten-year update following completion  
2154 of the appropriate environmental documents.

2155           SECTION 34. Ordinance 13147, Section 27, and K.C.C. 20.18.110 are hereby  
2156 amended to read as follows:

2157           Notice of the time, place, and purpose of a public hearing before the council to  
2158 consider amendments to the (~~the~~) Comprehensive (~~the~~) Plan or development regulations, other  
2159 than area zoning, shall at a minimum be given by one publication in a newspaper of general  
2160 circulation in the county at least thirty days before the hearing. Notice for site-specific land  
2161 use map amendments (~~will~~) shall also be provided (~~pursuant~~) in accordance with K.C.C.

2162 20.18.050. The county shall endeavor to provide such notice in nontechnical language. The  
2163 notice shall indicate how the detailed description of the ordinance required by K.C.C.

2164 20.18.100 can be obtained by a member of the public.

2165 SECTION 35. Ordinance 13147, Section 28, as amended, and K.C.C. 20.18.120 are  
2166 hereby amended to read as follows:

2167 A. Notice of the time, place, and purpose of a public hearing before the council to  
2168 consider changes to area zoning shall, at a minimum, include publication in ~~((the official  
2169 county newspaper and another))~~ a newspaper of general circulation and in another  
2170 publication in the area for which the area zoning is proposed, if available, at least thirty days  
2171 before the hearing. The county shall endeavor to provide such notice in nontechnical  
2172 language. The notice shall indicate how the detailed description of the ordinance required  
2173 by K.C.C. 20.18.100 can be obtained by a member of the public.

2174 B. Notice of the hearing shall also be given by mail to affected property owners,  
2175 appropriate to the scope of the proposal, whose names appear on the rolls of the King  
2176 County assessor and shall at a minimum include owners of properties within five hundred  
2177 feet of affected property, at least twenty property owners in the vicinity of the property, and  
2178 to any individuals or organizations that have formally requested to the department of local  
2179 services, permitting division, to be kept informed of applications in an identified area.  
2180 Notice shall also be posted on the county's ~~((web site))~~ website. The county shall endeavor  
2181 to provide such notice in nontechnical language. The mailed notice required in this section  
2182 shall be postmarked at least thirty days before the hearing. If the county sends the mailed  
2183 notice by bulk mail, the certificate of mailing shall qualify as a postmark. Failure to notify

2184 any specific property owner shall not invalidate an area zoning proceeding or any resulting  
2185 reclassification of land.

2186 SECTION 36. Ordinance 13147, Section 30, as amended, and K.C.C. 20.18.140 are  
2187 hereby amended to read as follows:

2188 A. In accordance with RCW 36.70A.470, a docket containing written ~~((comments~~  
2189 ~~on))~~ requests for suggested Comprehensive ((p))Plan or development regulation  
2190 amendments shall be coordinated by the department. The docket is the means either to  
2191 suggest a change or to identify a deficiency, or both, in the Comprehensive Plan or  
2192 development regulation. For the purposes of this section, "deficiency" refers to the absence  
2193 of required or potentially desirable contents of the Comprehensive Plan or development  
2194 regulation and does not refer to whether a development regulation addressed a project's  
2195 probable specific adverse environmental impacts that could be mitigated in the project  
2196 review process. Any interested party, including permit applicants, ~~((citizens))~~ members of  
2197 the public, and government agencies, may submit items to the docket.

2198 B. ~~((All agencies of county government having responsibility for elements of the~~  
2199 ~~Comprehensive Plan or implementing development regulations))~~ 1. The department shall  
2200 provide a means by which ~~((citizens))~~ members of the public may docket written comments  
2201 on the plan or on development regulations. The department ~~((shall))~~ should use public  
2202 participation methods identified in K.C.C. 20.18.160 to ~~((solicit public use of))~~ publicize the  
2203 docket. The department shall provide a mechanism for docketing amendments ~~((through))~~  
2204 on the ((Internet)) county's website.

2205 ~~((1-))~~ 2. All docketed comments relating to the Comprehensive Plan shall be  
2206 reviewed by the department and considered for an amendment to the Comprehensive Plan.

2207            ~~((2-))~~ 3. Docketed comments relating to development regulations shall be reviewed  
2208 by the appropriate county agency. Those requiring a Comprehensive Plan amendment shall  
2209 be forwarded to the department and considered for an amendment to the Comprehensive  
2210 Plan. Those not requiring a Comprehensive Plan amendment shall be considered by the  
2211 responsible county agency for amendments to the development regulations.

2212            4. The deadline for submitting docketed comments is December 31 for  
2213 consideration in the update process for the following year.

2214            ~~((3-))~~ 5. Except as provided in subsection B.5. of this section:

2215            a. By the last business day of April, the department shall issue an executive  
2216 response to all docketed comments. Responses shall include: a classification of the  
2217 recommended changes as appropriate for the annual update, midpoint update ~~((or eight))~~,  
2218 ten-year update, or stand-alone development regulations update; and an executive  
2219 recommendation indicating whether ~~((or not))~~ the docketed items are to be included in the  
2220 next executive-recommended Comprehensive Plan update or a future stand-alone  
2221 development regulations update. If the docketed changes will not be included in the next  
2222 executive transmittal, the department shall indicate the reasons why, and shall inform the  
2223 proponent that they may petition the council during the legislative review process.

2224            ~~((4-))~~ b. By the last business day of April, the department shall forward to the  
2225 council a report including all docketed amendments and comments with an executive  
2226 response. The report shall include a statement indicating that the department has complied  
2227 with the notification requirements in this section. The executive shall attach to the report  
2228 copies of the docket requests and supporting materials submitted by the proponents and  
2229 copies of the executive response that was issued to the proponents.

2230           6. The docket report shall be made available on the county's website.

2231           7. Docket requests received between scoping and transmittal of midpoint and ten-  
2232 year updates shall be processed, considered, and reported on by the executive consistent  
2233 with all other public comments.

2234           ~~((5.))~~ 8. ((Upon)) After receipt of the docket report, during the next available  
2235 Comprehensive Plan update, the council shall include all proponents of docketed requests in  
2236 the mailing list for agendas to all committee meetings in which the Comprehensive Plan will  
2237 be reviewed ~~((during the next available update))~~. At the beginning of the committee review  
2238 process, the council shall develop a committee review schedule with dates for committee  
2239 meetings and any other opportunities for public testimony and for proponents to petition the  
2240 council to consider docket changes that were not recommended by the executive and shall  
2241 attach the review schedule to the agenda whenever the Comprehensive Plan is to be  
2242 reviewed.

2243           ~~((6 Docketed comments relating to development regulations shall be reviewed by~~  
2244 ~~the appropriate county agency. Those requiring a Comprehensive Plan amendment shall be~~  
2245 ~~forwarded to the department and considered for an amendment to the Comprehensive Plan.~~  
2246 ~~Those not requiring a Comprehensive Plan amendment shall be considered by the~~  
2247 ~~responsible county agency for amendments to the development regulations.~~

2248           ~~7. The docket report shall be made available through the Internet. The department~~  
2249 ~~shall endeavor to make the docket report available within one week of transmittal to the~~  
2250 ~~council.))~~

2251           C. In addition to the docket, the department shall provide opportunities for receiving  
2252 general public comments ~~((both before the docketing deadline each year, and during the~~

2253 executive's review periods before transmittal to the council. The opportunities may include,  
2254 but are not limited to, the use of the following: comment cards, electronic or posted mail,  
2255 Internet, public meetings with opportunities for discussion and feedback, printed summaries  
2256 of comments received and twenty-four hour telephone hotlines. The executive shall assure  
2257 that the opportunities for public comment are provided as early as possible for each stage of  
2258 the process, to assure timely opportunity for public input.) at any time, including as  
2259 provided in K.C.C. 20.18.160.

2260 SECTION 37. Ordinance 13147, Section 32, and K.C.C. 20.18.160 are hereby  
2261 amended to read as follows:

2262 A. ~~((Pursuant to))~~ In accordance with RCW 36.70A.140, the county shall provide  
2263 for early and continuous public participation in the development and amendment of the  
2264 ~~((e))~~Comprehensive ~~((p))~~Plan and any implementing development regulations.

2265 B. The county's ~~((P))~~public participation program shall at a minimum include the  
2266 following elements:

2267 1. ~~((Annual))~~ Broad dissemination of ~~((a schedule))~~ upcoming opportunities for  
2268 public participation, as they are available;

2269 2. ~~((Issuance of a citizen's guide to the comprehensive plan process that provides~~  
2270 ~~i))~~Information on ~~((citizen))~~ public participation in the ~~((e))~~Comprehensive ~~((p))~~Plan  
2271 process, a description of the procedure and schedule for amending the ~~((e))~~Comprehensive  
2272 ~~((p))~~Plan ~~((and/))~~ or implementing development regulation~~((s))~~s, and ~~((a guide))~~  
2273 information on how to use the docket;

2274 3. Provision for broad dissemination of the proposal and alternatives appropriate to  
2275 the scope and significance of the proposal. The county shall make available to the public



2276 printed and electronic information ~~((which))~~ that clearly defines and visually portrays, when  
2277 possible, the range of options under consideration by the county. ~~((This))~~ The information  
2278 shall also include a description of any policy considerations, the schedule for deliberation,  
2279 opportunities for public participation, information on the submittal and review procedures  
2280 for written comments, and the name, email address, and telephone number of the  
2281 responsible official~~((s))~~s. The methods employed to provide the information may include,  
2282 but are not limited to, the use of the following: published notice in ~~((the official county~~  
2283 ~~newspaper))~~ a newspaper of general circulation and other appropriate publications~~((, news~~  
2284 ~~media notification))~~; press releases~~((, mailed))~~ notice to property owners and to ~~((citizens))~~  
2285 members of the public or groups with a known interest in the proposal~~((;))~~; public  
2286 ~~((education and government channel electronic kiosks and))~~ television; the internet~~((;))~~;  
2287 transit advertising~~((;))~~; telephone ~~((and fax))~~ information or comment lines~~((;))~~; public  
2288 review documents ~~((and displays in public facilities, speakers bureau, and printed or~~  
2289 ~~computerized graphics depicting the effect of the proposal))~~; posters, agency newsletters and  
2290 mailing list; and social media. The county shall endeavor to provide such notices in  
2291 nontechnical language;

2292 4. Hosting, speaking at, or attending ~~((P))~~public meetings to obtain comments  
2293 from the public or other agencies on a proposed plan, amendment to the ~~((e))~~Comprehensive  
2294 ~~((p))~~Plan, or implementing development regulation. Public meeting means an informal  
2295 meeting, hearing, workshop, or other public gathering of people for the purpose of obtaining  
2296 public comments and providing opportunities for open discussion. ~~((All public meetings~~  
2297 ~~associated with review of the comprehensive plan or development regulations shall provide~~  
2298 ~~a means for the public to submit items for the docket.))~~ County-hosted public meetings shall

2299 be appropriately noticed to the public and should be broadly disseminated at least one week  
2300 advance, except that noticing of meetings held by the King County council are subject to  
2301 council rules in K.C.C. chapter 1.24. A ((public)) publicly available record of each county-  
2302 hosted public meeting should be maintained to include ((documentation of)) information  
2303 about attendance, record of any mailed notice, and a ((record)) recording of the meeting or a  
2304 summary of public comments ((not incorporated in the docket));

2305 5. Other methods of public engagement to solicit feedback about the proposal,  
2306 appropriate to the scope and significance of the proposal, such as surveys, focus groups,  
2307 partnering with community-based organizations, and online engagement portals; and

2308 6. ~~((The county shall provide))~~ County-provided mechanisms to enable public  
2309 access to additional information. The county shall provide for publicly accessible ~~((and~~  
2310 ~~complete))~~ records of all ~~((applications,))~~ docketed amendment requests~~((,))~~ and related  
2311 background information during normal business hours. The public may seek assistance  
2312 from the office of ~~((citizen complaints))~~ the ombuds to obtain time sensitive information.  
2313 ~~((Methods of disseminating information may include, but are not limited to, the following:~~  
2314 ~~published notice of location of public review documents, use of the public education and~~  
2315 ~~government channel, use of electronic kiosks and the internet, telephone information lines~~  
2316 ~~with or without fax options, placement of documents in public libraries and community~~  
2317 ~~centers, speakers bureau and public displays.))~~

2318 C. ~~((When technical matters are considered with regard to docketed issues, or to~~  
2319 ~~evaluate public testimony, due consideration shall be given to technical testimony from the~~  
2320 ~~public and third party analysis may be sought when appropriate.))~~ Errors in exact

2321 compliance with the established procedures do not render the Comprehensive Plan or  
2322 development regulations invalid if the intent of the procedures is met.

2323 D. Emergency Comprehensive Plan amendments, as authorized by K.C.C.  
2324 20.18.030, are exempt from the requirements of this section but still require some public  
2325 notice and an opportunity public comment before adoption of the amendments.

2326 SECTION 38. Ordinance 14047, Section 9, and K.C.C. 20.18.170 are hereby  
2327 amended to read as follows:

2328 A. The purpose of the four-to-one program is to create a contiguous band of open  
2329 space, running north and south along the original urban growth area boundary adopted in the  
2330 1994 Comprehensive Plan.

2331 B. The total area added to the urban growth area as a result of this program shall not  
2332 exceed four thousand acres. The department shall keep a cumulative total for all parcels  
2333 added under this section. ~~((The total shall be updated annually through the plan amendment~~  
2334 ~~process.~~

2335 ~~B.))~~ C. Proposals:

2336 1. ~~((s))~~ Shall be proposed via the docket process in K.C.C. 20.18.140, a scoping  
2337 motion for a midpoint or ten-year Comprehensive Plan update, or an area zoning and land  
2338 use study included in the public review draft of a Comprehensive Plan update;

2339 2. ~~((p))~~ Processed as land use amendments to the Comprehensive Plan; and

2340 3. ~~((m))~~ May be considered in the annual update, midpoint update, or ~~((eight))~~ ten-  
2341 year update.

2342 D. Site suitability ((and development conditions)) for both the urban and rural  
2343 portions of the proposal shall be established through the preliminary formal plat approval  
2344 process.

2345 ~~((C-))~~ E. Development conditions for the proposal shall be established through a  
2346 triparty agreement between the county, property owner, and city or town affiliated for future  
2347 annexation. The triparty agreement shall:

2348 1. Be approved via ordinance by the legislative bodies of the county and the city or  
2349 town;

2350 2. Be approved at the time of council adoption of the land use map amendment;  
2351 and

2352 3. Include an effective date that is concurrent with ratification of the countywide  
2353 planning policy map amendment, or the effective date required by section 41 of this  
2354 ordinance, whichever is later. If the amendment is not ratified, the triparty agreement and  
2355 four-to-one proposal shall be void and not take effect, and the urban properties shall be  
2356 restored to the rural area land use designation and associated previous zoning during the  
2357 next annual Comprehensive Plan update.

2358 F. A term conservation easement shall be placed on the open space at the time the  
2359 four to one proposal is approved by the council. Upon final plat approval, the open space  
2360 shall be permanently dedicated ((in fee simple)) to King County. Dedication shall take the  
2361 form of on-site or off-site fee simple, an off-site transfer of development rights conservation  
2362 easement, or an on-site subdivision tract, to be determined in the triparty agreement.

2363 ~~((D-))~~ G. Before taking legislative action on the land use map amendment,  
2364 ~~((P))~~ proposals adjacent to incorporated area or potential annexation areas shall be referred to

2365 the following entities for recommendations: the affected city ((and)) or town; special  
2366 purpose districts ((for recommendations)), such as sewer, water, and school districts, as  
2367 applicable; state agencies; and tribes, as applicable.

2368 H.1. Proposals adjacent to an incorporated area or potential annexation area may  
2369 only be approved subject to an agreement in writing from a city or town that the area will be  
2370 added to the city's or town's potential annexation area in city's or town's comprehensive plan.  
2371 The countywide planning policy map amendment shall reflect both the urban growth area  
2372 change and potential annexation area change. The triparty agreement shall require the city  
2373 or town to add the potential annexation area to their comprehensive plan following  
2374 ratification of the countywide planning policy map amendment.

2375 2. For proposals adjacent to an incorporated area, the land use map amendment  
2376 and triparty agreement shall prohibit development proposals or activities until the land is  
2377 annexed into the adjacent city or town.

2378 SECTION 39. Ordinance 14047, Section 10, and K.C.C. 20.18.180 are hereby  
2379 amended to read as follows:

2380 Rural area land may be added to the urban growth area in accordance with the  
2381 following criteria:

2382 A. A proposal to add land to the urban growth area under this program shall meet  
2383 the following criteria:

2384 1. A permanent dedication to the King County open space system of four acres of  
2385 open space is required for every one acre of land added to the urban growth area;

2386 2. The land shall not be ~~((zoned agriculture (A)))~~ designated as Natural Resource  
2387 Lands in the Comprehensive Plan;

2388 3. The land added to the urban growth area shall:

2389 a. be ~~((physically contiguous))~~ adjacent to the original urban growth area

2390 boundary as adopted in the 1994 Comprehensive Plan, unless the director determines that

2391 the land directly adjacent to the urban growth area contains critical areas that would be

2392 substantially harmed by development directly adjacent to the urban growth area and that all

2393 other criteria can be met; ~~((and))~~

2394 b. not be in an area where a contiguous band of public open space, parks, or

2395 watersheds already exists along the urban growth area boundary; and

2396 c. not expand the urban growth area from a location that was previously

2397 expanded through the four-to-one program;

2398 4. The land added to the urban growth area shall be able to be served by sewers

2399 and other urban services;

2400 5. A road serving the land added to the urban area shall not be counted as part of

2401 the required open space;

2402 6. Land added to the urban growth area for drainage facilities in support of its

2403 development shall not require dedication of permanent open space;

2404 7. All urban facilities shall be provided directly from the urban area and shall not

2405 cross the open space or rural area and be located in the urban area except as permitted in

2406 subsection ~~((E))~~ D. of this section;

2407 ~~((7.))~~ 8. Open space areas shall retain a rural designation;

2408 ~~((8.))~~ 9.a. At least half of the site shall be placed in dedicated open space and shall

2409 fully buffer the surrounding rural area and natural resource lands from the new urban area.

2410            b. The minimum depth of the open space buffer shall ~~((be one half of the property~~  
2411 ~~width, unless the director determines that a smaller buffer of))~~;

2412            (1) be no less than two hundred feet, unless the director determined that a  
2413 smaller buffer is warranted due to the topography and critical areas on the site~~((, shall))~~;

2414            (2) generally be parallel to the urban growth area boundary; and

2415            (3) ((shall)) be configured in such a way as to connect with open space on  
2416 adjacent properties.

2417            c. The open space buffer shall contain Type 1 landscaping in accordance with  
2418 K.C.C. 21A.16.040, unless the director determines that different landscaping would better  
2419 protect natural resources and functions and land use compatibility in the area;

2420            ~~((9.))~~ 10. The minimum size of the property to be considered is twenty acres.

2421 Smaller parcels may be combined to meet the twenty-acre minimum;

2422            ~~((10.))~~ 11. Urban development under this section shall be limited to residential  
2423 development and shall be at a minimum density of ~~((four))~~ eight dwelling units per acre; and

2424            ~~((11.))~~ 12. The land to be retained in open space is not needed for any facilities  
2425 necessary to support the urban development; and

2426            B. ~~((A proposal that adds two hundred acres or more to the urban growth area shall~~  
2427 ~~also meet the following criteria:~~

2428            ~~1. The proposal shall include a mix of housing types including thirty percent~~  
2429 ~~below market rate units affordable to low, moderate and median income households;~~

2430            ~~2. In a proposal in which the thirty percent requirement in subsection B.1 of this~~  
2431 ~~section is exceeded, the required open space dedication shall be reduced to three and one-~~  
2432 ~~half acres of open space for every one acre added to the urban growth area;~~

2433           C. ~~A proposal that adds less than two hundred acres to the urban growth area and~~  
2434 ~~that meets the affordable housing criteria in subsection B.1. of this section shall be subject to~~  
2435 ~~a reduced open space dedication requirement of three and one-half acres of open space for~~  
2436 ~~every one acre added to the urban growth area;)) Proposals shall comply with the affordable  
2437 housing requirements in section 40 of this ordinance;~~

2438           ~~((D.))~~ C. Requests for redesignation shall be evaluated to determine those that are  
2439 the highest quality, including, but not limited to, consideration of the following:

2440           1. Preservation of fish and wildlife habitat, including wildlife habitat networks, and  
2441 habitat for endangered and threatened species;

2442           2. Provision of regional open space connections;

2443           3. Protection of wetlands, stream corridors, ground water, and water bodies;

2444           4. Preservation of unique natural, biological, cultural, historical, or archeological  
2445 resources;

2446           5. The size of open space dedication and connection to other open space  
2447 dedications along the urban growth area boundary; and

2448           6. The ability to provide extensions of urban services to the redesignated urban  
2449 areas; and

2450           ~~((E.))~~ D. The open space acquired through this program shall be preserved primarily  
2451 as natural areas, passive recreation sites or resource lands for farming and forestry. The  
2452 following additional uses may be allowed only if located on a small portion of the open  
2453 space and provided that these uses are found to be compatible with the site's natural open  
2454 space values and functions:

2455           1. Trails;



2456 2. Compensatory mitigation of wetland losses on the urban designated portion of  
2457 the ((project)) proposal, consistent with the ((King County)) Comprehensive Plan and  
2458 K.C.C. chapter 21A.24; and

2459 3. Active recreation uses not to exceed five percent of the total open space area.  
2460 The support services and facilities for the active recreation uses may locate within the active  
2461 recreation area only, and shall not exceed five percent of the total acreage of the active  
2462 recreation area. The entire open space area, including any active recreation site, is a regional  
2463 resource. It shall not be used to satisfy the on-site active recreation space requirements in  
2464 K.C.C. 21A.14.180 for the urban portion of the four to one property.

2465 NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter 20.18 a  
2466 new section to read as follows:

2467 For a four-to-one proposal that adds ten or more dwelling units, the land use map  
2468 amendment and triparty agreement shall require following:

2469 A.1. Thirty percent of the total number of dwelling units shall be affordable units.

2470 2. For proposals that include only owner-occupied market rate dwelling units, all  
2471 affordable dwelling units shall be:

2472 a. Owner-occupied dwelling units;

2473 b. Affordable to residents earning up to eight percent of area median income; and

2474 c. Affordable for at least fifty years from the date of initial occupancy.

2475 3. For proposals that include only rental dwelling units, all affordable dwelling  
2476 units shall be:

2477 a. rental dwelling units;

2478 b. affordable to residents earning up to sixty percent of area median income; and

2479 c. Affordable for the life of the project.

2480 4. For proposals that include both homeownership and rental dwelling units:

2481 a. The proportion of affordable rental dwelling units to affordable owner-

2482 occupied dwelling units shall be identical to the proportion of market rate rental dwelling

2483 units to market rate owner-occupied dwelling units; and

2484 b. Meet the applicable affordability levels in subsections A.1. and A.2. of this

2485 section.

2486 B. Affordable dwelling units shall be developed consistent with K.C.C.

2487 21A.48.050.A.

2488 C. The number of required affordable dwelling units shall be calculated consistent

2489 with K.C.C. 21A.47.040.A. Accessory dwelling units shall not be used to meet the

2490 requirements of this section.

2491 D. Developments subject to this section shall be subject to K.C.C. 21A.48.060 and

2492 K.C.C. 21A.48.080.

2493 NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter 20.18 a

2494 new section to read as follows:

2495 A. The effective date of an amendment that adds land to the urban growth area,

2496 removes land from the agricultural production district or forest production district, or

2497 removes land from the mineral resources map shall be after the latest of the following:

2498 1. Sixty days after the date of publication of notice of adoption of the

2499 Comprehensive Plan; or

2500 2. If a petition for review to the growth management hearings board is timely filed,

2501 upon issuance of the board's final order.

2502 B. The effective date required in subsection A. of this section shall be specified in  
2503 the ordinance adopting the amendments.

2504 SECTION 42. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are  
2505 hereby amended to read as follows:

2506 A. Land use permit decisions are classified into four types, based on who makes the  
2507 decision, whether public notice is required, whether a public hearing is required before a  
2508 decision is made, and whether administrative appeals are provided. The types of land use  
2509 decisions are listed in subsection E. of this section.

2510 1. Type 1 decisions are made by the permitting division manager or designee ("the  
2511 director") of the department of local services ("the department"). Type 1 decisions are  
2512 nonappealable administrative decisions.

2513 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary  
2514 decisions that are subject to administrative appeal.

2515 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
2516 following an open record hearing.

2517 4. Type 4 decisions are quasi-judicial decisions made by the council based on the  
2518 record established by the hearing examiner.

2519 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080, or unless otherwise  
2520 agreed to by the applicant, all Type 2, 3, and 4 decisions included in consolidated permit  
2521 applications that would require more than one type of land use decision process may be  
2522 processed and decided together, including any administrative appeals, using the highest-  
2523 numbered land use decision type applicable to the project application.

2524 C. Certain development proposals are subject to additional procedural requirements  
 2525 beyond the standard procedures established in this chapter.

2526 D. Land use permits that are categorically exempt from review under SEPA do not  
 2527 require a threshold determination (determination of nonsignificance ["DNS"] or  
 2528 determination of significance ["DS"]). For all other projects, the SEPA review procedures  
 2529 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

2530 E. Land use decision types are classified as follows:

TYPE 1	(Decision by director,  no administrative  appeal)	Temporary use permit for a homeless encampment under K.C.C. chapter 21A.45; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition, or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition, or deny alteration exceptions; decisions to approve, condition, or deny nonresidential elevation and dry floodproofing
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		<p>variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat; critical area determination.</p>
<p>TYPE 2<sup>1,2</sup></p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; short plat vacation; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit<sup>3</sup>; building permit, site development permit, or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B.; preliminary determinations under</p>

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

2531 <sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA

2532 appeals and appeals of Type 2, 3, and 4 decisions.

2533 <sup>2</sup> When an application for a Type 2 decision is combined with other permits requiring Type  
2534 3 or 4 land use decisions under this chapter, the examiner, not the director, makes the  
2535 decision.

2536 <sup>3</sup> A shoreline permit, including a shoreline variance or conditional use, is appealable to the  
2537 state Shorelines Hearings Board and not to the hearing examiner.

2538 <sup>4</sup> Approvals that are consistent with the Comprehensive Plan may be considered by the  
2539 council at any time. Zone reclassifications that are not consistent with the Comprehensive  
2540 Plan require a site-specific land use map amendment and the council's hearing and  
2541 consideration shall be scheduled with the amendment to the Comprehensive Plan under  
2542 K.C.C. 20.18.040 and 20.18.060.

2543 F. The definitions in K.C.C. 21A.45.020 apply to this section.

2544 SECTION 43. Ordinance 16950, Section 10, as amended, and K.C.C. 20.20.035 are  
2545 hereby amended to read as follows:

2546 When an applicant is required by K.C.C. chapter 21A.08 to conduct a community  
2547 meeting, under this section, before filing of an application, notice of the meeting shall be  
2548 given and the meeting shall be conducted as follows:

2549 A. At least two weeks in advance, the applicant shall:

2550 1. Publish notice of the meeting in the local paper and mail and email to the  
2551 department; and

2552 2. Mail notice of the meeting to all property owners within five hundred feet or at  
2553 least twenty of the nearest property owners, whichever is greater, as provided in K.C.C.  
2554 21A.26.170 of any potential sites, identified by the applicant for possible development, to be  
2555 discussed at the community meeting. The mailed notice shall, at a minimum, contain a brief

2556 description and purpose of the proposal, approximate location noted on an assessor map  
2557 with address and parcel number, photograph or sketch of any existing or proposed  
2558 structures, a statement that alternative sites proposed by ~~((citizens))~~ the public can be  
2559 presented at the meeting that will be considered by the applicant, a contact name and  
2560 telephone number to obtain additional information, and other information deemed necessary  
2561 by the department of local services, permitting division. Because the purpose of the  
2562 community meeting is to promote early discussion, applicants shall ~~((to))~~ note any changes  
2563 to the conceptual information presented in the mailed notices when they submit ~~((an))~~  
2564 applications;

2565 B. At the community meeting at which at least one employee of the department of  
2566 local services, permitting division, assigned by the permitting division manager or designee,  
2567 shall be in attendance, the applicant shall provide information relative to the proposal and  
2568 any modifications proposed to existing structures or any new structures and how the  
2569 proposal is compatible with the character of the surrounding neighborhood. An applicant  
2570 shall also provide with the applicant's application a list of meeting attendees~~((;))~~ and those  
2571 receiving mailed notice of the meeting and a record of the published meeting notice; and

2572 C. The applicant shall, in the notice required under subsection A.2. of this section,  
2573 and at the community meeting required under subsection B. of this section, advise that  
2574 persons interested in the applicant's proposal may monitor the progress of the permitting of  
2575 that proposal by contacting the department or by viewing the department's website, the  
2576 address of which will be provided in the notice and at the community meeting.

2577 SECTION 44. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are  
2578 hereby amended to read as follows:



2579 A. The department shall issue its Type 3 or Type 4 recommendation to the office of  
2580 the hearing examiner within one hundred fifty days from the date the department notifies the  
2581 applicant that the application is complete. The periods for action by the examiner shall be  
2582 governed by K.C.C. chapter 20.22 and the rules for conducting the examiner process  
2583 adopted under K.C.C. 20.22.230.

2584 B.1. Except as otherwise provided in subsection B.2. of this section, the department  
2585 shall issue its final decision on a Type 1 or Type 2 decision within one hundred twenty days  
2586 from the date the department notified the applicant that the application is complete.

2587 2. The following periods apply to the type of land use permit indicated:

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

2588 C. The following periods shall be excluded from the times specified in subsections  
2589 A., B., and H. of this section:

2590           1. a. Any period during which the applicant has been requested by the department,  
2591 the examiner or the council to correct plans, perform required studies, or provide additional  
2592 information, including road variances and ~~((variances))~~ adjustments required under K.C.C.  
2593 chapter 9.04. The period shall be calculated from the date of notice to the applicant of the  
2594 need for additional information until the earlier of the date the county advises the applicant  
2595 that the additional information satisfies the county's request or fourteen days after the date  
2596 the information has been provided. If the county determines that corrections, studies, or  
2597 other information submitted by the applicant is insufficient, it shall notify the applicant of  
2598 the deficiencies and the procedures of this section shall apply as if a new request for  
2599 information had been made.

2600           ~~((a.))~~ b. The department shall set a reasonable deadline for the submittal of  
2601 corrections, studies, or other information, and shall provide written notification to the  
2602 applicant. The department may extend the deadline upon receipt of a written request from  
2603 an applicant providing satisfactory justification for an extension.

2604           ~~((b.))~~ c. When granting a request for a deadline extension, the department shall  
2605 give consideration to the number of days between the department receiving the request for a  
2606 deadline extension and the department mailing its decision regarding that request;

2607           2. The period during which an environmental impact statement is being prepared  
2608 following a determination of significance under chapter 43.21C RCW, as ~~((set forth))~~  
2609 established in K.C.C. 20.44.050;

2610           3. The period during which an appeal is pending that prohibits issuing the permit;

2611 4. Any period during which an applicant fails to post the property, if required by  
2612 this chapter, following the date notice is required until an affidavit of posting is provided to  
2613 the department by the applicant;

2614 5. Any time extension mutually agreed upon by the applicant and the department;  
2615 and

2616 6. Any time during which there is an outstanding fee balance that is sixty days or  
2617 more past due.

2618 D. Failure by the applicant to submit corrections, studies, or other information  
2619 acceptable to the department after two written requests under subsection C. of this section  
2620 shall be cause for the department to cancel or deny the application.

2621 E. The time limits established in this section shall not apply if a proposed  
2622 development:

2623 1. Requires either: an amendment to the Comprehensive Plan or a development  
2624 regulation; or modification or waiver of a development regulation as part of a demonstration  
2625 project;

2626 2. Requires approval of a (~~new fully contained community as provided in RCW~~  
2627 ~~36.70A.350,)) master planned resort as provided in RCW 36.70A.360((5)) or the siting of an  
2628 essential public facility as provided in RCW 36.70A.200; or~~

2629 3. Is revised by the applicant, when the revisions will result in a substantial change  
2630 in a project's review requirements, as determined by the department, in which case the  
2631 period shall start from the date at which the revised project application is determined to be  
2632 complete.

2633 F. The time limits established in this section may be exceeded on more complex  
2634 projects. If the department is unable to issue its Type 1 or Type 2 decision or its Type 3 or  
2635 Type 4 recommendation within the time limits established by this section, it shall provide  
2636 written notice of this fact to the applicant. The notice shall include a statement of reasons  
2637 why the time limits have not been met and an estimated date for issuance of the notice of a  
2638 Type 1 or Type 2 decision or a Type 3 or Type 4 recommendation.

2639 G. The department shall require that all plats, short plats, building permits, clearing  
2640 and grading permits, conditional use permits, special use permits, site development permits,  
2641 shoreline substantial development permits, or binding site plans(~~(, urban planned~~  
2642 ~~development permits, or fully contained community permits~~)), issued for development  
2643 activities on or within five hundred feet of designated agricultural lands, forest lands, or  
2644 mineral resource lands, contain a notice that the subject property is within or near designated  
2645 agricultural lands, forest lands, or mineral resource lands, on which a variety of commercial  
2646 activities may occur that are not compatible with residential development for certain periods  
2647 of limited duration.

2648 H. To the greatest extent practicable, the department shall make a final  
2649 determination on all permits required for a Washington state Department of Transportation  
2650 project on a state highway as defined in RCW 46.04.560 with an estimated cost of less than  
2651 five hundred million dollars no later than ninety days after receipt of a complete permit  
2652 application.

2653 SECTION 45. Ordinance 12196, Section 19, as amended, and K.C.C. 20.20.120 are  
2654 hereby amended to read as follows:

2655 The ~~((director))~~ department shall ~~((issue a citizen's guide to))~~ produce guides  
2656 describing permit processing, including making an appeal or participating in a hearing. The  
2657 department shall make them available to the public in printed and electronic forms and shall  
2658 post them to its website.

2659 SECTION 46. Ordinance 4461, Section 10, as amended, and K.C.C. 20.22.150 are  
2660 hereby amended to read as follows:

2661 Examiner recommendations on an application for a zone reclassification shall  
2662 include findings on whether the application meets ~~((both of))~~ the following:

2663 A. The proposed rezone is consistent with the King County Comprehensive Plan  
2664 policies, narrative, maps, and land use designations; ~~((and))~~

2665 B.1.a. The property is potentially zoned under K.C.C. 21A.04.170 for the  
2666 reclassification being requested; or

2667 ~~((2.))~~ b. An adopted subarea plan~~((, subarea study,))~~ or an area zoning and land use  
2668 study specifies that the property shall be subsequently considered through an individual  
2669 reclassification application; or

2670 ~~((3.))~~ 2. The requested reclassification is based on ~~((changed))~~ a substantial change  
2671 in unincorporated area conditions, including but not limited to:

2672 a. the availability of public facilities or infrastructure;

2673 b. development patterns on surrounding parcels; or

2674 c. the quantity or quality of environmentally sensitive areas, not caused by actions  
2675 of the applicant; and

2676 C. That the classification would not harm or diminish the surrounding area.

2677            SECTION 47. Ordinance 9544, Section 16, as amended, and K.C.C. 20.22.180 are  
2678 hereby amended to read as follows:

2679            For a proposed preliminary plat, the examiner decision shall include findings as to  
2680 whether:

2681            A. Appropriate provisions are made for the public health, safety, and general  
2682 welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways,  
2683 transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds,  
2684 schools, and school grounds, and all other relevant facts, including sidewalks and other  
2685 planning features that assure safe walking conditions for students who walk to and from  
2686 school; (~~and~~)

2687            B. The public use and interest will be served by platting the subdivision and  
2688 dedication; and

2689            C. When a subdivision uses transfer of development rights to exceed base density,  
2690 the additional density does not create unmitigated impacts beyond those created by  
2691 development at base density.

2692            SECTION 48. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are  
2693 hereby amended to read as follows:

2694            A. The definitions in this section apply throughout this section, as well as in K.C.C.  
2695 20.36.040 and K.C.C. 20.30.190, unless the context clearly requires otherwise.

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

2700 recommendation, the department shall utilize the point system described in subsections C.  
2701 and D. of this section.

2702 C. The following open space resources are each eligible for the points indicated:

2703 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means  
2704 land in private ownership through which the owner agrees to allow (~~nonmotorized~~) public  
2705 passage for active transportation, as defined in section 11 of this ordinance, for the purpose  
2706 of providing a connection between trails within the county's regional trails system and local  
2707 or regional attractions or points of interest, for trail users including equestrians, pedestrians,  
2708 bicyclists, and other users. "Local or regional attractions or points of interest" include other  
2709 trails, parks, waterways, or other recreational and open space attractions, retail centers, arts  
2710 and cultural facilities, transportation facilities, residential concentrations, or similar  
2711 destinations. The linkage must be open to passage by the general public and the property  
2712 owner shall enter into an agreement with the county consistent with applicable parks and  
2713 recreation division policies to grant public access. To receive twenty-five points, the  
2714 property owner shall enter into an agreement with the county regarding improvement of the  
2715 trail, including trail pavement and maintenance. To receive fifteen points, the property  
2716 owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division  
2717 is authorized to develop criteria for determining the highest priority linkages for which it  
2718 will enter into agreements with property owners;

2719 2. Aquifer protection area-five points. "Aquifer protection area" means property  
2720 that has a plant community in which native plants are dominant and that includes an area  
2721 designated as a critical aquifer recharge area under K.C.C. chapter 21A.24 or applicable city  
2722 critical aquifer recharge area regulations. At least fifty percent of the enrolling open space

2723 area or a minimum of one acre of open space shall be designated as a critical aquifer  
2724 recharge area. If the enrolling open space area does not have a plant community in which  
2725 native plants are dominant, a plan for revegetation must be submitted and approved by the  
2726 department, and must be implemented according to the plan's proposed schedule of  
2727 activities;

2728 3. Buffer to public or current use classified land - three points. "Buffer to public or  
2729 current use classified land" means land that has a plant community in which native plants  
2730 are dominant or has other natural features, such as streams or wetlands, and that is abutting  
2731 and provides a buffer to a publicly owned park, trail, or forest, to land legally required to  
2732 remain in a natural state, to a state or federal highway, or to a property participating in a  
2733 current use taxation program under chapters 84.33 or 84.34 RCW. The buffer must be at  
2734 least fifty feet long and fifty feet in wide. Public roads may separate the public land, or land  
2735 in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land,  
2736 if the entire buffer is at least as wide and long as the adjacent section of the road easement.  
2737 Landscaping or other nonnative vegetation may not separate the public land or land enrolled  
2738 under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may  
2739 grant an exception to the native vegetation requirement for property along parkways with  
2740 historic designation, upon review and recommendation of the historic preservation officer of  
2741 King County or the local jurisdiction in which the property is located. Eligibility for this  
2742 exception does not extend to a property where plantings are required or existing plant  
2743 communities are protected under local zoning codes, development mitigation requirements,  
2744 or other local regulations;



2745 4. Ecological enhancement land – eighteen points. "Ecological enhancement land"  
2746 means open space lands undergoing recovery of significantly degraded or lost ecological  
2747 function or processes. The following requirements shall be met:

2748 a. A jurisdiction, natural resource agency, or appropriate organization has  
2749 committed to sponsoring the ecological enhancement project, with secured funding in place  
2750 before the application's public hearing;

2751 b. The ecological enhancement project must include removing significant human-  
2752 made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and  
2753 wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the  
2754 removal must be to reestablish natural function or processes to the project area;

2755 c. The owner is responsible for providing and implementing an ecological  
2756 enhancement plan for the proposed project. The approved enhancement plan must include  
2757 at least a statement of purpose, detailed description of work to be done, site map of the  
2758 project area, and specific timeline for the enhancement activities to be completed and must  
2759 be approved by the department; and

2760 d. The owner shall annually provide to the department a monitoring report  
2761 detailing the enhancement efforts' success for five years following enrollment. The owner  
2762 shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The  
2763 monitoring report must describe the progress and success of the enhancement project and  
2764 must include photographs to document the success. Land receiving credit for this category  
2765 may not receive credit for the rural stewardship land or resource restoration categories;

2766 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-  
2767 pedestrian-bicycle trail linkage" means land in private ownership that the property owner

2768 allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other  
2769 ~~((nonmotorized))~~ active transportation, as defined in section 11 of this ordinance, uses or  
2770 that provides a trail link from a public ~~((right-of-way))~~ right of way to a trail system. Use of  
2771 motorized vehicles is prohibited on trails receiving a tax reduction for this category, except  
2772 for maintenance or for medical, public safety, or police emergencies. Public access is  
2773 required only on that portion of the property containing the trail. The landowner may  
2774 impose reasonable restrictions on access that are mutually agreed to by the landowner and  
2775 the department, such as limiting use to daylight hours. To be eligible as an equestrian-  
2776 pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate  
2777 public or private entity acceptable to the department. The easement shall be recorded with  
2778 the King County recorder's office or its successor. In addition to the area covered by the  
2779 trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock  
2780 may be included, if an approved and implemented farm management plan is provided. Land  
2781 necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes  
2782 to the aesthetics of the trail, such as a forest, and land set aside and marked for off road  
2783 parking for trail users may also be included as land eligible for current use taxation. Those  
2784 portions of private roads, driveways, or sidewalks open to the public for this purpose may  
2785 also qualify. Fencing and gates are not allowed in the trail easement area, except those that  
2786 are parallel to the trail or linkage;

2787           6. Farm and agricultural conservation land - five points. "Farm and agricultural  
2788 conservation land" means land previously classified as farm and agricultural land under  
2789 RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional  
2790 farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a

2791 use inconsistent with agricultural uses and has a high potential for returning to commercial  
2792 agriculture. The property must be used for farm and agricultural activities or have a high  
2793 probability of returning to agriculture and the property owner must commit to returning the  
2794 property to farm or agricultural activities by implementing a farm management plan. An  
2795 applicant must have an approved farm management plan in accordance with K.C.C.  
2796 21A.24.051 that is acceptable to the department and that is being implemented according to  
2797 its proposed schedule of activities before receiving credit for this category. Farm and  
2798 agricultural activities must occur on at least one acre of the property. Eligible land must be  
2799 zoned to allow agricultural uses and be owned by the same owner or held under the same  
2800 ownership. Land receiving credit for this category may not receive credit for the contiguous  
2801 parcels under separate ownership category;

2802           7. Forest stewardship land - five points. "Forest stewardship land" means property  
2803 that is managed according to an approved forest stewardship plan and that is not enrolled in  
2804 the designated forestland program under chapter 84.33 RCW. The property must contain at  
2805 least four acres of contiguous forestland, which may include land undergoing reforestation,  
2806 according to the approved plan. The owner shall have and implement a forest stewardship  
2807 plan approved by the department. The forest stewardship plan may emphasize forest  
2808 retention, harvesting, or a combination of both. Land receiving credit for this category may  
2809 not receive credit for the resource restoration or rural stewardship land categories;

2810           8. Historic landmark or archeological site: buffer to a designated site - three  
2811 points. "Historic landmark or archaeological site: buffer to a designated site" means  
2812 property adjacent to land constituting or containing a designated county or local historic  
2813 landmark or archeological site, as determined by King County's historic preservation officer

2814 or by a manager of a certified local government program in the jurisdiction in which the  
2815 property is located. A property must have a plant community in which native plants are  
2816 dominant and provide a significant buffer for a designated landmark or archaeological site  
2817 listed on the county or other certified local government list or register of historic places or  
2818 landmarks. "Significant buffer" means land and plant communities that provide physical,  
2819 visual, noise, or other barriers and separation from adverse effects to the historic resources  
2820 due to adjacent land use;

2821           9. Historic landmark or archeological site: designated site - five points. "Historic  
2822 landmark or archaeological site: designated site" means land that constitutes or contains a  
2823 historic landmark designated by King County or other certified local government program in  
2824 the jurisdiction in which the property is located. Historic landmarks include buildings,  
2825 structures, districts, or sites of significance in the county's historic or prehistoric heritage,  
2826 such as Native American settlements, trails, pioneer settlements, farmsteads, roads,  
2827 industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or  
2828 traditional cultural properties. A property must be listed on a county or other certified local  
2829 government list or register of historic places or landmarks for which there is local regulatory  
2830 protection. Eligible property may include property that contributes to the historic character  
2831 within designated historic districts, as defined by the historic preservation officer of King  
2832 County or other certified local government jurisdiction. The King County historic  
2833 preservation officer shall make the determination on eligibility;

2834           10. Historic landmark or archeological site: eligible site - three points. "Historic  
2835 landmark or archaeological site: eligible site" means land that constitutes or contains a  
2836 historic property that has the potential of being designated by a certified local government

2837 jurisdiction, including buildings, structures, districts, or sites of significance in the county's  
2838 historic or prehistoric heritage, such as Native American settlements, pioneer settlements,  
2839 farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic  
2840 archaeological sites, or traditional cultural properties. To be eligible, the historic  
2841 preservation officer of King County or other certified local government program in the  
2842 jurisdiction in which the property is located shall determine the property meets the  
2843 jurisdiction's criteria for designation and listing on the county or other local register of  
2844 historic places or landmarks for which there is local regulatory protection. Eligible property  
2845 may include contributing property within designated historic districts. Property listed ~~((on))~~  
2846 in the state or national Registers of Historic Places may qualify under this category;

2847 11. Public recreation area - five points. "Public recreation area" means land  
2848 devoted to providing active or passive recreation use or that complements or substitutes for  
2849 recreation facilities characteristically provided by public agencies. Use of motorized  
2850 vehicles is prohibited, except for golf carts on golf courses, for maintenance or for medical,  
2851 public safety, or police emergencies. The facilities must be open to the general public or to  
2852 specific public user groups, such as youth, seniors ~~((citizens))~~, or people with disabilities. A  
2853 property must be identified by the responsible agency within whose jurisdiction the property  
2854 is located as meeting the definition of public recreation area. The property owner must use  
2855 any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it must be  
2856 comparable to the fee charged by a similar public facility;

2857 12. Rural open space - five points. "Rural open space" means an area of ten or  
2858 more contiguous acres of open space located outside of the urban growth area as identified  
2859 in the King County Comprehensive Plan that:

2860 a. has a plant community in which native plants are dominant; or  
2861 b. is former open farmland, woodlots, scrublands<sub>2</sub> or other lands that are in the  
2862 process of being replanted with native vegetation and for which the property owner is  
2863 implementing an approved farm management, ecological enhancement, forest stewardship,  
2864 rural stewardship<sub>2</sub> or resource restoration plan acceptable to the department;

2865 13. Rural stewardship land - five points. "Rural stewardship land" means land  
2866 zoned RA (rural area), A (agricultural)<sub>2</sub> or F (forest), that has an implemented rural  
2867 stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned  
2868 properties, the approved rural stewardship plan must meet the goals and standards of K.C.C.  
2869 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan  
2870 meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited  
2871 to, identification of critical areas, location of structures and significant features, site-specific  
2872 best management practices, a schedule for implementation<sub>2</sub> and a plan for monitoring as  
2873 provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space  
2874 must be at least one acre and feature a plant community in which native plants are dominant  
2875 or be in the process of native vegetation restoration, reforestation<sub>2</sub> or enhancement. Land  
2876 receiving credit for this category may not receive credit for the ecological enhancement  
2877 land, resource restoration<sub>2</sub> or forest stewardship land categories;

2878 14. Scenic resource, viewpoint or view corridor - five points.

2879 a. "Scenic resource" means an area of natural or recognized cultural features  
2880 visually significant to the aesthetic character of the county. The site must be significant to  
2881 the identity of the local area, must be visible to a significant number of the general public

2882 from public rights-of-way, must be of sufficient size to substantially preserve the scenic  
2883 resource value and must enroll at least ten acres of open space.

2884 b. A "viewpoint" means a property that provides a view of an area visually  
2885 significant to the aesthetic character of the county. A site must provide a view of a scenic  
2886 natural or recognized cultural resource in King County or other visually significant area,  
2887 must allow unlimited public access and must be identified by a permanent sign readily  
2888 visible from a road or other public (~~right-of-way~~) right of way.

2889 c. A "view corridor" means a property that contributes to the aesthetics of a  
2890 recognized view corridor critical to maintaining a public view of a visually significant scenic  
2891 natural or recognized cultural resource. The site must contain at least one acre of open space  
2892 that contributes to a view corridor visible to the public and that provides views of a scenic  
2893 natural resource area or recognized cultural resource significant to the local area. The King  
2894 County historic preservation officer or officer of another certified local government program  
2895 in the jurisdiction in which the property is located must find the recognized cultural areas to  
2896 be significant and must find that the site contains significant inventoried or designated  
2897 historic properties. Eligibility is subject to determination by the department or applicable  
2898 jurisdiction;

2899 15. Significant plant or ecological site - five points. "Significant plant or  
2900 ecological site" means an area that meets the criteria for Element Occurrence established  
2901 under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An  
2902 Element Occurrence is a particular, on-the-ground observation of a rare species or  
2903 ecosystem. An eligible site must be listed as an Element Occurrence by the Washington  
2904 Natural Heritage Program or be identified as a property that meets the criteria for an

2905 Element Occurrence. The identification must be confirmed by a qualified expert acceptable  
2906 to the department. The department notify the Washington Natural Heritage Program of any  
2907 verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums,  
2908 or other maintained garden sites with native or nonnative plantings are ineligible for this  
2909 category;

2910 16. Significant wildlife or salmonid habitat - five points.

2911 a. "Significant wildlife or salmonid habitat" means:

2912 (1) an area used by animal species listed as endangered, threatened, sensitive, or  
2913 candidate by the Washington state Department of Fish and Wildlife or Department of  
2914 Natural Resources or used by species of local significance that are listed by the King County  
2915 Comprehensive Plan or a local jurisdiction;

2916 (2) an area where the species listed in subsection C.16.a.(1) of this section are  
2917 potentially found with sufficient frequency for critical ecological processes, such as  
2918 reproduction, nesting, rearing, wintering, feeding, or resting, to occur;

2919 (3) a site that meets the criteria for priority habitats as defined by the  
2920 Washington state Department of Fish and Wildlife and that is so listed by the King County  
2921 Comprehensive Plan or by the local jurisdiction in which the property is located; or

2922 (4) a site that meets criteria for a wildlife habitat conservation area as defined by  
2923 the department or a local jurisdiction.

2924 b. To be eligible, the department, by its own determination or by expert  
2925 determination acceptable to the department, must verify that qualified species are present on  
2926 the property or that the land fulfills the functions described in subsection C.16.a. of this  
2927 section. To receive credit for salmonid habitat, the owner shall provide a buffer at least



2928 fifteen percent greater in width than required by any applicable regulation. Property  
2929 consisting mainly of disturbed or fragmented open space determined by the department as  
2930 having minimal wildlife habitat significance is ineligible;

2931 17. Special animal site - three points. "Special animal site" means a site that  
2932 includes a wildlife habitat network identified by the King County Comprehensive Plan or  
2933 individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or a  
2934 biodiversity area and corridor identified by the Washington state Department of Fish and  
2935 Wildlife's priority habitats and species project as of the date of the application. The property  
2936 must be identified by King County or local or state jurisdiction or by expert verification  
2937 acceptable to the department or local jurisdiction. Property consisting mainly of disturbed  
2938 or fragmented open space determined by the department to have minimal wildlife habitat  
2939 significance is ineligible for this category;

2940 18. Surface water quality buffer - five, eight or ten total points. "Surface water  
2941 quality buffer" means an undisturbed area that has a plant community in which native plants  
2942 are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or  
2943 abutting the property, that provides buffers beyond that required by any applicable  
2944 regulation. To receive five points, the buffer must be at least fifty percent wider than the  
2945 buffer required by any applicable regulation. To receive eight points, the buffer must be at  
2946 least two times the required width. To receive ten points, the buffer must be at least three  
2947 times the required width. The qualifying buffer must be longer than twenty-five feet and  
2948 must be preserved from clearing or maintenance, unless this area is part of a department-  
2949 approved ecological enhancement, farm management, forest stewardship, rural stewardship,  
2950 or resource restoration plan. Grazing use by livestock on such land is prohibited;

2951           19. Urban open space - five points.

2952           a. "Urban open space" means land located within the boundaries of a city or

2953 within the urban growth area that has a plant community in which native plants are

2954 dominant and that under the applicable zoning is eligible for more intensive development or

2955 use. The enrolling area must be at least one acre, or be at least one-half acre if the land

2956 meets one of the following criteria:

2957           (1) the land conserves and enhances natural or scenic resources;

2958           (2) the land protects streams or water supply;

2959           (3) the land promotes conservation of soils, wetlands, beaches, or tidal

2960 marshes;

2961           (4) the land enhances the value to the public of adjacent parks, forests, wildlife

2962 preserves, nature reservations or sanctuaries, or other open space;

2963           (5) the land enhances recreation opportunities for the general public; or

2964           (6) the land preserves visual quality along highways, roads, and streets or

2965 scenic vistas.

2966           b. Owners of noncontiguous properties that together meet the minimum acreage

2967 requirement may jointly apply under this category if each property is closer than seventy-

2968 five feet to one other property in the application and if each property contains an enrolling

2969 open space area at least as large as the minimum zoned lot size; and

2970           20. Watershed protection area - five points. "Watershed protection area" means

2971 property contributing to the forest cover that provides run-off reduction and groundwater

2972 protection. The property must consist of contiguous native forest or be in the process of

2973 reforestation. The enrolling forested area must consist of additional forest cover beyond that

2974 required by county or applicable local government regulation and must be at least one acre  
2975 or sixty-five percent of the property acreage, whichever is greater. If reforestation or  
2976 improvements to the forest health are necessary, the property owner shall provide and  
2977 implement an ecological enhancement, a forest stewardship, resource restoration, or rural  
2978 stewardship plan that addresses this need and is acceptable to the department.

2979 D. Property qualifying for an open space category in subsection C. of this section  
2980 may receive credit for additional points as follows:

2981 1. Conservation easement or historic preservation easement - eighteen points.

2982 "Conservation easement or historic preservation easement" means land on which an  
2983 easement is voluntarily placed that restricts, in perpetuity, further potential development or  
2984 other uses of the property. The easement must be approved by the department and be  
2985 recorded with the King County recorder's office or its successor. The easement must be  
2986 conveyed to the county or to an organization acceptable to the department, such as a land  
2987 trust or conservancy. Historic preservation easements must also be approved by the historic  
2988 preservation officer of King County or of the local government jurisdiction in which the  
2989 property is located. An easement required by zoning, subdivision conditions or other land  
2990 use regulation is not eligible unless an additional substantive easement area is provided  
2991 beyond that otherwise required;

2992 2. Contiguous parcels under separate ownership - two points.

2993 a. "Contiguous parcels under separate ownership" means at least two or more  
2994 parcels under different ownership where either:

2995 (1) the enrolling parcels and open space acreage abut each other without a  
2996 significant human-made barrier separating them; or

2997 (2) the enrolling parcels do not abut each other, but abut a publicly owned open  
2998 space, without a significant human-made barrier separating the publicly owned open space  
2999 and the open space portion of the parcels seeking open space classification.

3000 b. Award of this category requires a single application by multiple owners and  
3001 parcels with identical qualifying public benefit rating system resources. Only a single  
3002 application fee is required.

3003 c. Contiguous parcels of land with the same qualifying public benefit rating  
3004 system resources are eligible for treatment as a single parcel if open space classification is  
3005 sought under the same application except as otherwise prohibited by the farm and  
3006 agricultural conservation land category. Each parcel need not meet the minimum acreage  
3007 requirements for a resource category so long as the total area of all enrolling land combined  
3008 meets any required minimum acreage requirements. The owners of each parcel included in  
3009 the application must agree to identical terms and conditions for enrollment in the program.

3010 d. Individual parcels or portions of parcels may be withdrawn or removed from  
3011 open space classification, consistent with all applicable rules and regulations. The continued  
3012 eligibility of all parcels and associated acreage remaining in open space classification  
3013 accepted under the same application is dependent upon the continued qualification for a  
3014 resource category or categories.

3015 e. Points are awarded for each participating owner above one owner and accrue to  
3016 all owners of a single application. The withdrawal or removal of all enrolled acreage  
3017 associated with an owner results in the loss of two points for each remaining owner;

3018 3. Easement and access – thirty-five points. "Easement and access" means that the  
3019 property has at least one qualifying open space resource, unlimited public access or limited

3020 public access due to resource sensitivity, and a conservation easement or historic  
3021 preservation easement in perpetuity in a form and with conditions acceptable to the  
3022 department. To be eligible, a property must receive credit for an open space category and  
3023 for the conservation easement or historic easement in perpetuity category. The owner must  
3024 agree to allow public access to the portion of the property designated for public access in the  
3025 easement. An easement required by zoning, subdivision conditions or other land use  
3026 regulation is not eligible, unless there is additional easement area beyond that required.

3027 Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

3028 4. Public access - points depend on type and frequency of access allowed. "Public  
3029 access " means the general public is allowed access on an ongoing basis for uses such as  
3030 recreation, education, or training. Access must be allowed on the portion of the property  
3031 that is designated for public access. The landowner may impose reasonable restrictions on  
3032 access, such as limiting use to daylight hours, agreed to by the department. No physical  
3033 barriers may limit reasonable public access or negatively affect an open space resource. A  
3034 property owner shall demonstrate that the property is open to public access and is used by  
3035 the public. The historic preservation officer of King County or a certified officer of another  
3036 local government jurisdiction in which the property is located must approve the award of  
3037 public access points for historic properties. The property owner may be required to furnish  
3038 and maintain signage according to county specifications.

3039 a. Unlimited public access - five points. Year-round access by the general public  
3040 is allowed without special arrangements with the property owner.

3041 b. Limited public access because of resource sensitivity - five points. Access  
3042 may be reasonably limited by the property owner due to the sensitive nature of the resource,

3043 with access provided only to appropriate user groups. The access allowed should generally  
3044 be for an educational, scientific or research purpose and may require special arrangements  
3045 with the owner.

3046 c. Seasonally limited public access - three points. Access by the public is allowed  
3047 only for part of the year due to due to seasonal conditions, as mutually agreed to by the  
3048 landowner and the department.

3049 d. Environmental education access - three points. The landowner enters into an  
3050 agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or,  
3051 with the agreement of the department, with another community organization that allows  
3052 membership by the general public to provide environmental education to its members or the  
3053 public at large. The department must agree that the enrolled portion of the property has  
3054 value for environmental education purposes.

3055 e. None or members-only - zero points. No public access is allowed or the access  
3056 is allowed only by members of the organization using or owning the land; and

3057 5. Resource restoration – five points. "Resource restoration" means restoration of  
3058 an enrolling area of property benefiting an area in an open space resource category.

3059 Emphasis is placed on the restoration of native vegetation associated with anadromous fish  
3060 rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and wetland  
3061 habitats. The owner shall provide and implement a restoration plan approved by the  
3062 department. The plan may be developed in cooperation with a natural resource expert or  
3063 agency. The approved restoration plan must, at a minimum, include a purpose statement, a  
3064 description of restoration work to be done, a detailed site map of the area to be restored, a  
3065 specific timeline for the restoration activities to be completed and a monitoring schedule for

3066 the restoration project's first five years. Historic resource restoration must be approved by  
3067 the King County historic preservation officer or officer of another certified local government  
3068 in the jurisdiction in which the property is located and must be accompanied by a long-term  
3069 maintenance plan. The owner shall also provide to the department a yearly monitoring  
3070 report for at least five years following enrollment in the public benefit rating system  
3071 program. The report must describe the progress and success of the restoration project and  
3072 must include photographs to document the success. Land receiving credit for this category  
3073 may not receive credit for the ecological enhancement land, forest stewardship land, or rural  
3074 stewardship land categories.

3075 SECTION 49. Ordinance 4828, Section 4, as amended, and K.C.C. 20.62.040 are  
3076 hereby amended to read as follows:

3077 A. An historic resource may be designated as a King County landmark if it is more  
3078 than forty years old or, in the case of a landmark district, contains resources that are more  
3079 than forty years old, and possesses integrity of location, design, setting, materials, quality of  
3080 work, feeling, or association, or any combination of the foregoing aspects of integrity,  
3081 sufficient to convey its historic character, and:

3082 1. Is associated with events that have made a significant contribution to the broad  
3083 patterns of national, state, or local history;

3084 2. Is associated with the lives of persons significant in national, state, or local  
3085 history;

3086 3. Embodies the distinctive characteristics of a type, period, style, or method of  
3087 design or construction, or that represents a significant and distinguishable entity whose  
3088 components may lack individual distinction;

3089 4. Has yielded, or may be likely to yield, information important in prehistory or  
3090 history; or

3091 5. Is an outstanding work of a designer or builder who has made a substantial  
3092 contribution to the art.

3093 B. An historic resource may be designated a community landmark because it is an  
3094 easily identifiable visual feature of a neighborhood or the county and contributes to the  
3095 distinctive quality or identity of such a neighborhood or county or because of its association  
3096 with significant historical events or historic themes, association with important or prominent  
3097 persons in the community or county, or recognition by local ~~((citizens))~~ individuals for  
3098 substantial contribution to the neighborhood or community. An improvement or site  
3099 qualifying for designation solely by virtue of satisfying criteria set out in this section shall be  
3100 designated a community landmark and shall not be subject to K.C.C. 20.62.080.

3101 C. Cemeteries, birthplaces, or graves of historical figures, properties owned by  
3102 religious institutions or used for religious purposes, structures that have been moved from  
3103 their original locations, reconstructed historic buildings, properties primarily  
3104 commemorative in nature, and properties that have achieved significance within the past  
3105 forty years shall not be considered eligible for designation. However, such ~~((a property))~~  
3106 properties shall be eligible for designation if they are~~((:~~

3107 ~~1. A))~~an integral part of districts that meet the criteria set out in subsection A. of  
3108 this section or if ~~((it is))~~ they are:

3109 ~~((2. A))~~ 1. ~~((#))~~Religious ~~((property))~~ properties deriving primary significance  
3110 from architectural or artistic distinction or historical importance;



3111            ~~((3.-A))~~ 2. ~~((b))~~ Buildings or structures removed from ~~((its))~~ their original locations  
3112 but that ~~((is))~~ are significant primarily for ~~((its))~~ their architectural value, or ~~((which is))~~ that  
3113 are the surviving structure most importantly associated with ~~((a))~~ historic persons or events;

3114            ~~((4.-A))~~ 3. ~~((b))~~ Birthplaces, graves, or residences of ~~((a))~~ historical figures of  
3115 outstanding importance if there ~~((is))~~ are no other appropriate sites or buildings directly  
3116 associated with the historical ~~((figure's))~~ figures' productive ~~((life))~~ lives;

3117            ~~((5.-A cemetery))~~ 4. Cemeteries that derive ~~((s-its))~~ their primary significances  
3118 from graves of persons of transcendent importance, from age, from distinctive design  
3119 features, or from association with historic events;

3120            ~~((6.-A))~~ 5. ~~((f))~~ Reconstructed buildings when accurately executed in a suitable  
3121 environment and presented in a dignified manner or as part of ~~((a))~~ restoration master plans,  
3122 and when no other buildings or structures with the same association ~~((has))~~ have survived;

3123            ~~((7.-A property))~~ 6. Properties commemorative in intent if design, age, tradition,  
3124 or symbolic value ~~((has))~~ have invested ~~((it))~~ them with ~~((its))~~ their own historical  
3125 significance; or

3126            ~~((8.-A property))~~ 7. Properties achieving significance within the past forty years if  
3127 ~~((it is))~~ they are of exceptional importance.

3128            SECTION 50. Ordinance 10870, Section 17, as amended, and K.C.C. 21A.02.070  
3129 are hereby amended to read as follows:

3130            A. All references to the Standard Industrial Classification (SIC) are to the titles and  
3131 descriptions found in the Standard Industrial Classification Manual, 1987 edition, prepared  
3132 by United States Office of Management and Budget, which is hereby adopted by reference.  
3133 The ~~((SIC))~~ SIC is used, with modifications to suit the purposes of this title, to list and

3134 define land uses authorized to be located in the various zones consistent with the  
3135 ~~((e))~~Comprehensive ~~((p))~~Plan land use map.

3136 B. The SIC categorizes each land use under a general two-digit major group  
3137 number, or under a more specific three- or four-digit industry group or industry number. A  
3138 use shown on a land use table with a two-digit number includes all uses listed in the SIC for  
3139 that major group. A use shown with a three-digit or four-digit number includes only the  
3140 uses listed in the SIC for that industry group or industry.

3141 C. An asterisk ~~((t))~~, shown as "\*((t))" in the SIC number column of a land use table  
3142 means that the SIC definition for the specific land use identified has been modified by this  
3143 title. The definition may include one or more SIC subclassification numbers, or may define  
3144 the use without reference to the SIC.

3145 D. The ~~((D))~~director shall determine whether a proposed land use not specifically  
3146 listed in a land use table or specifically included within an SIC ~~((classification))~~ code is  
3147 allowed in a zone. The director's determination shall be based on whether ~~((or not))~~  
3148 permitting the proposed use in a particular zone is consistent with the purposes of this title  
3149 and the zone's purpose ~~((as set forth))~~ established in K.C.C. chapter 21A.04, by considering  
3150 the following factors:

3151 1. The physical characteristics of the use and its supporting structures, including  
3152 but not limited to scale, traffic, and other impacts, and hours of operation;

3153 2. Whether ~~((or not))~~ the use complements or is compatible with other uses  
3154 permitted in the zone; and

3155 3. The SIC ~~((classification))~~ code, if any, assigned to the business or other entity  
3156 that will carry on the primary activities of the proposed use.

3157 E. If a proposed land use subject to subsection D. of this section is an essential  
3158 public facility under the Washington state Growth Management Act, it shall be evaluated  
3159 using the special use permit process and consistent with the Washington state Growth  
3160 Management Act, the King County Countywide Planning Policies, and the King County  
3161 Comprehensive Plan.

3162 SECTION 51. Ordinance 10870, Section 27, as amended, and K.C.C. 21A.04.060  
3163 are hereby amended to read as follows:

3164 A. The purpose of the rural zone (RA) is to provide for an area-wide long-term rural  
3165 character and to minimize land use conflicts with nearby agricultural or forest production  
3166 districts or mineral extraction sites. These purposes are accomplished by:

3167 1. Limiting residential densities and permitted uses to those that are compatible  
3168 with rural character and nearby resource production districts and sites and are able to be  
3169 adequately supported by rural service levels;

3170 2. Allowing small scale farming and forestry activities and tourism and recreation  
3171 uses that can be supported by rural service levels and that are compatible with rural  
3172 character;

3173 3. Increasing required setbacks to minimize conflicts with adjacent agriculture,  
3174 forest, or mineral zones; and

3175 4. Requiring tracts created through cluster development to be designated as  
3176 permanent open space or as permanent resource use.

3177 B. Use of this zone is appropriate in rural areas designated by the Comprehensive  
3178 Plan as follows:

3179 1. RA-2.5 in rural areas where the predominant lot pattern is below five acres in  
3180 size for lots established ~~((prior to))~~ before the adoption of the 1994 Comprehensive Plan;

3181 2. RA-5 in rural areas where ~~((the predominant lot pattern is five acres or greater  
3182 but less than ten acres in size and the area is generally environmentally unconstrained))~~;

3183 a. The lands are more than a quarter mile from designated natural resource lands;

3184 b. The lands are physically suitable for development with minimal:

3185 environmentally sensitive features as defined by county, state, or federal law; regionally  
3186 significant resource areas; or critical habitat as determined by legislatively approved  
3187 Watershed Resource Inventory Area plans; and

3188 c. this residential density would not harm or diminish the surrounding area,  
3189 burden infrastructure, increase development pressure, and be inconsistent with the  
3190 development patterns promoted by the Comprehensive Plan;

3191 3. RA-10 in rural areas ~~((where the predominant lot pattern is ten acres or greater  
3192 but less than twenty acres in size. RA-10 is also applied on land that is generally  
3193 environmentally constrained, as defined by county, state, or federal law, to protect critical  
3194 habitat and regionally significant resource areas (RSRAs). The RA-10 zone is also applied  
3195 to lands within one quarter mile of a forest or agricultural production district or an approved  
3196 long-term mineral extraction site.))~~;

3197 a.(1) The lands are adjacent to or within one quarter mile of designated natural  
3198 resource lands;

3199 (2) The lands contain significant environmentally constrained areas as defined  
3200 by county, state, or federal law, or regionally significant resource areas or substantial critical

3201 habitat as determined by legislatively approved Watershed Resource Inventory Area Plans;  
3202 or

3203 (3) A residential density of one home per five acres would harm or diminish the  
3204 surrounding area, burden infrastructure, increase development pressure, or be inconsistent  
3205 with the development patterns promoted by the Comprehensive Plan; and

3206 b. On Vashon-Maury Island, RA-10 zoning shall be maintained on areas zoned  
3207 RA-10 as of 1994 and on areas with a predominant lot size of ten acres or greater that are  
3208 identified on the Areas Highly Susceptible to Groundwater Contamination map; and

3209 4. RA-20 in Rural Forest Focus Districts designated by the King County  
3210 Comprehensive Plan. This level of density should be considered when a larger parcel with a  
3211 natural resource land designation is redesignated to Rural Area.

3212 SECTION 52. Ordinance 10870, Section 28, as amended, and K.C.C. 21A.04.070  
3213 are hereby amended to read as follows:

3214 A. The purposes of the urban reserve zone (UR) are to: phase growth and  
3215 demand for urban services, and to reserve large tracts of land for possible future growth  
3216 in portions of King County designated by the Comprehensive Plan for future urban  
3217 growth while allowing reasonable interim uses of property; or to reflect designation by  
3218 the Comprehensive Plan of a property or area as part of the urban growth area when a  
3219 detailed plan for urban uses and densities has not been completed. These purposes are  
3220 accomplished by:

3221 1. Allowing for rural, agricultural, and other low-density uses;  
3222 2. Allowing for limited residential growth, either contiguous to existing urban  
3223 public facilities((;)) or at a density supportable by existing rural public service levels; and

3224 3. Requiring clustered residential developments where feasible, to prevent  
3225 establishment of uses and lot patterns ~~((which))~~ that may foreclose future alternatives and  
3226 impede efficient later development at urban densities.

3227 B. Use of this zone is appropriate in urban areas, rural towns or in ~~((rural city  
3228 expansion areas))~~ the Urban Growth Area for Cities in the Rural Area designated by the  
3229 Comprehensive Plan, when such areas do not have adequate public facilities and services  
3230 or are not yet needed to accommodate planned growth, or do not yet have detailed land  
3231 use plans for urban uses and densities ~~((, or are designated as sites for a potential urban  
3232 planned development or new fully contained communities))~~.

3233 SECTION 53. Ordinance 10870, Section 29, as amended, and K.C.C. 21A.04.080  
3234 are hereby amended to read as follows:

3235 A. The purpose of the urban residential zone (R) is to implement  
3236 ~~((e))~~Comprehensive ~~((p))~~Plan goals and policies for housing quality, diversity and  
3237 affordability, and to efficiently use urban residential land, public services, and ~~((energy))~~  
3238 utilities. These purposes are accomplished by:

3239 1. Providing, in the R-1 zone, predominantly single detached dwelling units at a  
3240 relatively low density;

3241 2. Providing, in the R-4 through R-8 zones, for a mix of ~~((predominantly))~~ single  
3242 detached dwelling units, duplexes, triplexes, fourplexes, and other development types, with  
3243 a variety of densities and sizes in locations appropriate for urban densities;

3244 ~~((2.))~~ 3. Providing, in the R-12 through R-48 zones, for a mix of predominantly  
3245 apartment and townhouse dwelling units, mixed-use, and other development types, with a  
3246 variety of densities and sizes in locations appropriate for urban densities;

3247            ~~((3-))~~ 4. Allowing only those accessory and complementary nonresidential uses  
3248 that are compatible with urban residential communities; and

3249            ~~((4-))~~ 5. Establishing density designations to facilitate advanced area-wide  
3250 planning for public facilities and services, and to protect environmentally sensitive sites  
3251 from over development.

3252            B. Use of this zone is appropriate in urban areas, activity centers, or Rural Towns  
3253 designated by the Comprehensive Plan as follows:

3254            1. The R-1 zone:

3255                a. on or adjacent to lands with area-wide environmental constraints where  
3256 development is required to cluster away from sensitive areas~~((;))~~;

3257                b. on lands designated as urban separators ~~((or))~~, wildlife habitat network ~~((where~~  
3258 ~~development is required to cluster away from the axis of the corridor on))~~, critical aquifer  
3259 recharge areas~~((, and on))~~, or Regionally and Locally Significant Resource Areas  
3260 (RSRAs/LSRAs); or

3261                c. in well-established subdivisions of the same density~~((, which))~~ that are served  
3262 at the time of development by public or private facilities and services adequate to support  
3263 planned densities;

3264            2. The R-4 through R-8 zones on urban lands that are predominantly  
3265 environmentally unconstrained and are served at the time of development, by adequate  
3266 public sewers, water supply, roads, and other needed public facilities and services; and

3267            3. The R-12 through R-48 zones on lands in and next to Unincorporated Activity  
3268 Centers, in Community or Neighborhood Business Centers, in mixed-use development, on  
3269 small, scattered lots integrated into existing residential areas, or in Rural Towns, that are

3270 served at the time of development by adequate public sewers, water supply, roads, and other  
3271 needed public facilities and services.

3272 SECTION 54. Ordinance 10870, Section 30, as amended, and K.C.C. 21A.04.090  
3273 are hereby amended to read as follows:

3274 A. The purpose of the neighborhood business zone (NB) is to provide convenient  
3275 daily retail and personal services for a limited service area and to minimize impacts of  
3276 commercial activities on nearby properties and in urban areas on properties with the land  
3277 use designation of commercial outside of center, to provide for limited residential  
3278 development. These purposes are accomplished by:

3279 1. Limiting nonresidential uses to those retail or personal services (~~(which)~~) that  
3280 can serve the everyday needs of a surrounding urban or rural residential area;

3281 2. Allowing for (~~(mixed-use (housing and retail/service))~~) mixed-use  
3282 developments (~~(and)~~) in urban areas and rural towns;

3283 3. Allowing for townhouse developments as a sole use on properties in the  
3284 urban area with the land use designation of commercial outside of center; and

3285 (~~(3-)~~) 4. Excluding industrial and community/regional business-scaled uses.

3286 B. Use of this zone is appropriate in (~~(urban)~~) unincorporated activity centers,  
3287 community business centers, neighborhood business centers, commercial outside of  
3288 centers, rural towns, or rural neighborhood commercial centers designated by the

3289 (~~(e)~~)Comprehensive (~~(p)~~)Plan, on sites (~~(which)~~) that are served at the time of  
3290 development by adequate public sewers when located in urban areas or adequate on-site  
3291 sewage disposal when located in rural areas, water supply, roads, and other needed public  
3292 facilities and services.



3293            SECTION 55. Ordinance 10870, Section 31, as amended, and K.C.C. 21A.04.100  
3294 are hereby amended to read as follows:

3295            A. The purpose of the community business zone (CB) is to provide convenience  
3296 and comparison retail and personal services for local service areas (~~((which))~~) that exceed  
3297 the daily convenience needs of adjacent neighborhoods but (~~((which))~~) that cannot be  
3298 served conveniently by larger activity centers, and to provide retail and personal services  
3299 in locations within activity centers that are not appropriate for extensive outdoor storage  
3300 or auto related and industrial uses. These purposes are accomplished by:

3301            1. Providing for limited small-scale offices as well as a wider range of the retail,  
3302 professional, governmental, and personal services than are found in neighborhood  
3303 business areas;

3304            2. Allowing for (~~((mixed-use (housing and retail/service)))~~) mixed-use  
3305 developments in urban areas and rural towns; and

3306            3. Excluding commercial uses with extensive outdoor storage or auto related  
3307 and industrial uses.

3308            B. Use of this zone is appropriate in (~~((urban and))~~) unincorporated activity  
3309 centers, community business centers, commercial outside of centers, or rural towns that  
3310 are designated by the Comprehensive Plan (~~((and community plans))~~) and that are served at  
3311 the time of development by adequate public sewers, water supply, roads, and other  
3312 needed public facilities and services.

3313            SECTION 56. Ordinance 10870, Section 32, as amended, and K.C.C. 21A.04.110  
3314 are hereby amended to read as follows:

3315 A. The purpose of the regional business zone (RB) is to provide for the broadest  
3316 mix of comparison retail, wholesale, service, and ~~((recreation/))~~ recreational and cultural  
3317 uses with compatible storage and fabrication uses, serving regional market areas and  
3318 offering significant employment opportunities. These purposes are accomplished by:

3319 1. Encouraging compact development that is supportive of transit and pedestrian  
3320 travel, through higher nonresidential building heights and floor area ratios than those  
3321 found in community centers;

3322 2. Allowing for outdoor sales and storage, regional shopping areas, and limited  
3323 fabrication uses; ~~((and))~~

3324 3. Concentrating large-scale commercial and office uses to facilitate the  
3325 efficient provision of public facilities and services; and

3326 4. Allowing for mixed use developments in urban areas.

3327 B. Use of this zone is appropriate in ~~((urban activity centers or rural towns))~~  
3328 commercial outside of centers that are designated by the Comprehensive Plan ~~((and~~  
3329 ~~community plans))~~ that are served at the time of development by adequate public sewers,  
3330 water supply, roads, and other needed public facilities and services.

3331 SECTION 57. Ordinance 10870, Section 33, and K.C.C. 21A.04.120 are hereby  
3332 amended to read as follows:

3333 A. The purpose of the office zone (O) is to provide for pedestrian and transit-  
3334 oriented high-density employment uses together with limited complementary retail and  
3335 urban density residential development in locations within activity centers where the full  
3336 range of commercial activities is not desirable. These purposes are accomplished by:

- 3337 1. Allowing for uses that will take advantage of pedestrian-oriented site and  
3338 street improvement standards;
- 3339 2. Providing for higher building heights and floor area ratios than those found in  
3340 community centers;
- 3341 3. Reducing the ratio of required parking to building floor area;
- 3342 4. Allowing for on-site convenient daily retail and personal services for  
3343 employees and residences; ~~((and))~~
- 3344 5. Excluding ~~((auto))~~ automobile-oriented, outdoor, or other retail sales and  
3345 services ~~((which))~~ that do not provide for the daily convenience needs of on-site and  
3346 nearby employees or residents; and
- 3347 6. Allowing for mixed use developments in urban areas and rural towns.

3348 B. Use of this zone is appropriate in unincorporated activity centers, community  
3349 business centers, neighborhood business centers, commercial outside of centers, or rural  
3350 towns designated by the Comprehensive Plan ~~((and community plans which))~~ that are  
3351 served at the time of development by adequate public sewers, water supply, roads, and  
3352 other needed public facilities and services.

3353 SECTION 58. Ordinance 10870, Section 48, as amended, and K.C.C. 21A.06.040  
3354 are hereby amended to read as follows:

3355 Agricultural product sales: the retail sale of items resulting from the practice of  
3356 agriculture, including primary horticulture products such as fruits, vegetables, grains, seed,  
3357 feed, and plants, primary animal products such as eggs, milk, and meat, or secondary and  
3358 value-added products resulting from processing, sorting, or packaging of primary  
3359 agricultural products such as jams, cheeses, dried herbs, or similar items. Agricultural

3360 product sales do not include ((~~marijuana~~)) cannabis, usable ((~~marijuana~~)) cannabis, or  
3361 ((~~marijuana~~)) cannabis-infused products.

3362 NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter  
3363 21A.06 a new section to read as follows:

3364 At imminent risk of becoming homeless: a household who will lose their primary  
3365 nighttime residence as follows:

3366 A. The residence will be lost within fourteen days of the date of application for  
3367 homeless assistance;

3368 B. No subsequent residence has been identified; and

3369 C. The household lacks the resources or support networks needed to obtain other  
3370 permanent housing, such as family, friends, or faith-based or other social networks.

3371 NEW SECTION. SECTION 60. There is hereby added to K.C.C. chapter  
3372 21A.06 a new section to read as follows:

3373 At risk of chronic homelessness: a household that:

3374 A. Includes an adult with a developmental, physical, or behavioral health disability;

3375 B. Is currently experiencing homelessness for at least ten months in the previous  
3376 three years, or has experienced homelessness for a cumulative total of twelve months within

3377 the previous five years; and

3378 C. Includes an adult that has been incarcerated within the previous five years in a  
3379 jail or prison, that has been detained or involuntarily committed under chapter 71.05 RCW,  
3380 or identifies as a member of a population that is demographically overrepresented among  
3381 persons experiencing homelessness in King County.

3382            SECTION 61. K.C.C. 21A.06.7341, as amended by this ordinance, is hereby  
3383 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.162.

3384            SECTION 62. Ordinance 17710, Section 2, and K.C.C. 21A.06.7341 are hereby  
3385 amended to read as follows:

3386            ~~((Marijuana))~~ Cannabis: all parts of the plant cannabis, whether growing or not,  
3387 with a percentage concentration of delta-9 tetrahydrocannabinol content per dry weight of  
3388 any part of the plant cannabis, or per volume or weight of ~~((marijuana))~~ cannabis product  
3389 greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any  
3390 part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation  
3391 of the plant, its seeds or resin. ~~((Marijuana))~~ Cannabis does not include the mature stalks of  
3392 the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any  
3393 other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks  
3394 (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant  
3395 ~~((which))~~ that is incapable of germination.

3396            SECTION 63. K.C.C. 21A.06.7342, as amended by this ordinance, is hereby  
3397 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.7341, as  
3398 recodified by this ordinance.

3399            SECTION 64. Ordinance 17710, Section 3, and K.C.C. 21A.06.3742 are hereby  
3400 amended to read as follows:

3401            ~~((Marijuana))~~ Cannabis greenhouse: a structure with a glass or rigid plastic roof and  
3402 glass or rigid plastic walls designed and used to create an artificial climate for the growing  
3403 of ~~((marijuana))~~ cannabis as licensed by the Washington state Liquor ~~((Control))~~ and  
3404 Cannabis Board for the ~~((marijuana))~~ cannabis production that is of sufficient strength and

3405 stability to comply with the structural design load requirements of the building code and that  
3406 is not used as a place for human habitation or by the general public.

3407 SECTION 65. K.C.C. 21A.06.7344, as amended by this ordinance, is hereby  
3408 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.7342, as  
3409 recodified by this ordinance.

3410 SECTION 66. Ordinance 17710, Section 4, as amended, and K.C.C. 21A.06.7344  
3411 are hereby amended to read as follows:

3412 ((~~Marijuana~~)) Cannabis processor: a facility licensed by the Washington state  
3413 Liquor and Cannabis Board to process ((~~marijuana~~)) cannabis into useable ((~~marijuana~~))  
3414 cannabis and ((~~marijuana~~)) cannabis-infused products, package<sub>2</sub> and label useable  
3415 ((~~marijuana~~)) cannabis and ((~~marijuana~~)) cannabis-infused products for sale in retail outlets,  
3416 and sell useable ((~~marijuana~~)) cannabis and ((~~marijuana~~)) cannabis-infused products at  
3417 wholesale to ((~~marijuana~~)) cannabis retailers. ((~~Marijuana~~)) Cannabis processors are  
3418 classified as follows:

3419 A. ((~~Marijuana~~)) Cannabis processor I -- processing that is limited to:

- 3420 1. Drying, curing and trimming; and  
3421 2. Packaging.

3422 B. ((~~Marijuana~~)) Cannabis processor II -- all elements of processing including:

- 3423 1. All ((~~marijuana~~)) Cannabis processor I activities;  
3424 2. Extracting concentrates and infusing products;  
3425 3. Mechanical and chemical processing; and  
3426 4. Packaging.

3427            SECTION 67. K.C.C. 21A.06.7346, as amended by this ordinance, is hereby  
3428 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.7344, as  
3429 recodified by this ordinance.

3430            SECTION 68. Ordinance 17710, Section 5, as amended, and K.C.C. 21A.06.7346  
3431 are hereby amended to read as follows:

3432            ((~~Marijuana~~)) Cannabis producer: a facility licensed by the Washington state Liquor  
3433 and Cannabis Board for the production and sale at wholesale of ((~~marijuana~~)) cannabis to  
3434 ((~~marijuana~~)) cannabis processors and other marijuana producers.

3435            SECTION 69. K.C.C. 21A.06.7348, as amended by this ordinance, is hereby  
3436 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.7346, as  
3437 recodified by this ordinance.

3438            SECTION 70. Ordinance 17710, Section 6, as amended, and K.C.C. 21A.06.7348  
3439 hereby amended to read as follows:

3440            ((~~Marijuana~~)) Cannabis retailer: a facility licensed by the Washington state Liquor  
3441 and Cannabis Board where useable ((~~marijuana~~)) cannabis and ((~~marijuana~~)) cannabis-  
3442 infused products may be sold at retail.

3443            SECTION 71. Ordinance 15606, Section 5, and K.C.C. 21A.06.196 are hereby  
3444 amended to read as follows:

3445            Clustering: development of a subdivision at the existing zoned density that reduces  
3446 the size of individual lots and creates natural open space for the preservation of critical  
3447 areas((~~, parks and permanent open space or as a reserve for future development~~)) or resource  
3448 land for forestry or agriculture.

3449            SECTION 72. Ordinance 10870, Section 92, as amended, and K.C.C. 21A.06.260  
3450 are hereby amended to read as follows:

3451            Critical facility: a facility necessary to protect the public health, safety, and welfare  
3452 including, but not limited to, a facility defined under the occupancy categories of "essential  
3453 facilities," "hazardous facilities," and "special occupancy structures" in the structural  
3454 ~~((forces))~~ design chapter ~~((or succeeding chapter))~~ in K.C.C. Title 16. Critical facilities also  
3455 include nursing and personal care facilities, schools, senior ~~((citizen))~~ assisted housing,  
3456 public roadway bridges, and sites that produce, use, or store hazardous substances or  
3457 hazardous waste, not including the temporary storage of consumer products containing  
3458 hazardous substances or hazardous waste intended for household use or for retail sale on the  
3459 site.

3460            SECTION 73. Ordinance 10870, Section 98, and K.C.C. 21A.06.290 are hereby  
3461 amended to read as follows:

3462            Destination resort: an establishment for resource-based recreation and intended to  
3463 utilize and provide access to outdoor recreational opportunities, including ~~((related))~~  
3464 accessory services, such as ~~((food))~~ retail, eating and drinking places, ~~((overnight))~~  
3465 temporary lodging, recreation equipment rentals, entertainment, and ~~((other conveniences~~  
3466 ~~for guests of the resort))~~ personal services.

3467            SECTION 74. Ordinance 10870, Section 101, as amended, and K.C.C. 21A.06.305  
3468 are hereby amended to read as follows:

3469            Development agreement:((



3470           A. ~~A recorded agreement between a UPD applicant and King County which~~  
3471 ~~incorporates the site plans, development standards, and other features of an Urban Plan~~  
3472 ~~Development as described in K.C.C. chapter 21A.39; or~~

3473           B.)) An agreement authorized under RCW 36.70B.170 through 36.70B.210.

3474           SECTION 75. Ordinance 15051, Section 31, and K.C.C. 21A.06.333 are hereby  
3475 amended to read as follows:

3476           Drainage subbasin: ~~((a drainage area identified as a drainage subbasin in a county-~~  
3477 ~~approved basin plan or, if not identified,))~~ a drainage area that drains to a body of water that  
3478 is named and mapped and contained within a drainage basin.

3479           SECTION 76. Ordinance 10870, Section 5, and K.C.C. 21A.06.355 are hereby  
3480 amended to read as follows:

3481           Dwelling unit, apartment: a dwelling unit contained in a building consisting of  
3482 ~~((two))~~ five or more dwelling units which may be stacked, or one or more dwellings with  
3483 nonresidential uses.

3484           NEW SECTION. SECTION 77. There is hereby added to K.C.C. chapter  
3485 21A.06 a new section to read as follows:

3486           Dwelling unit, duplex: a dwelling unit contained in a building that is located on one  
3487 legal lot or parcel, containing two dwelling units designed exclusively for occupancy by two  
3488 individuals or families living independently of each other. The two units share a common  
3489 roof, wall, or floor, although floorplans may vary. Individual units may be side-by-side or  
3490 stacked one on top of the other. The two dwelling units and the lot are under a single  
3491 ownership or may be owned through a condominium. A single-family dwelling containing  
3492 an approved accessory dwelling unit is not considered a duplex.

3493            NEW SECTION. SECTION 78. There is hereby added to K.C.C. chapter  
3494 21A.06 a new section to read as follows:

3495            Dwelling unit, fourplex: a dwelling unit contained in a building that is located on  
3496 one legal lot or parcel, containing four dwelling units designed exclusively for occupancy by  
3497 four individuals or families living independently of each other. The four units share a  
3498 common roof, wall, or floor, although floorplans may vary. Individual units may be side-  
3499 by-side or stacked one on top of the other. The two dwelling units and the lot are under a  
3500 single ownership or may be owned through a condominium.

3501            SECTION 79. Ordinance 10870, Section 114, and K.C.C. 21A.06.370 are hereby  
3502 amended to read as follows:

3503            Dwelling unit, townhouse: a dwelling unit contained in a building containing  
3504 ~~((one))~~ five or more dwelling units that ~~((occupies))~~ occupy space from the ground to the  
3505 roof~~((, and))~~ that is attached to one or more other townhouse dwellings by common walls.

3506            NEW SECTION. SECTION 80. There is hereby added to K.C.C. chapter  
3507 21A.06 a new section to read as follows:

3508            Dwelling unit, triplex: a dwelling unit contained in a building that is located on one  
3509 legal lot or parcel, containing three dwelling units designed exclusively for occupancy by  
3510 three individuals or families living independently of each other. The three units share a  
3511 common roof, wall, or floor, although floorplans may vary. Individual units may be side-  
3512 by-side or stacked one on top of the other. The three dwelling units and the lot are under a  
3513 single ownership or may be owned through a condominium.

3514            NEW SECTION. SECTION 81. There is hereby added to K.C.C. chapter  
3515 21A.06 a new section to read as follows:

3516 Emergency housing: permanent facilities providing temporary indoor  
3517 accommodations for individuals or families who are homeless or at imminent risk of  
3518 becoming homeless that is intended to address the basic health, food, clothing, and personal  
3519 hygiene needs of individuals or families. Emergency housing includes:

3520 A. Emergency supportive housing;

3521 B. Emergency shelters;

3522 C. Interim housing;

3523 D. Microshelter villages;

3524 E. Recuperative housing; and

3525 F. Safe parking.

3526 NEW SECTION. SECTION 82. There is hereby added to K.C.C. chapter

3527 21A.06 a new section to read as follows:

3528 Emergency shelter: a permanent facility that operates more than one hundred and  
3529 eighty days in a calendar year and provides a temporary shelter for individuals or families  
3530 who are currently homeless. Emergency shelters may include day and warming centers  
3531 that do not provide overnight accommodations.

3532 NEW SECTION. SECTION 83. There is hereby added to K.C.C. chapter

3533 21A.06 a new section to read as follows:

3534 Emergency supportive housing: housing where persons experiencing chronic  
3535 homelessness or persons at risk of chronic homelessness can reside temporarily while  
3536 seeking permanent housing, and that offers housing-oriented services, case management,  
3537 and other necessary services and supports to assist households in stabilizing.

3538            NEW SECTION. SECTION 84. There is hereby added to K.C.C. chapter  
3539 21A.06 a new section to read as follows:

3540            Experiencing chronic homelessness: a household that includes an adult with a  
3541 disability, that is currently experiencing homelessness for at least twelve consecutive months  
3542 or has experienced multiple episodes homelessness for a cumulative twelve months within  
3543 the previous three years.

3544            SECTION 85. Ordinance 17191, Section 22, as amended, and K.C.C. 21A.06.450  
3545 are hereby amended to read as follows:

3546            Family: an individual(~~(;))~~ or two or more persons (~~((related by blood, marriage or~~  
3547 ~~state registered domestic partnership under chapter 26.60 RCW; a group of two or more~~  
3548 ~~disabled residents protected under the Federal Housing Act Amendments, who are not~~  
3549 ~~related by blood, marriage or state registered domestic partnership under chapter 26.60~~  
3550 ~~RCW,))~~ living together as a single housekeeping unit(~~((; a group of eight or fewer residents,~~  
3551 ~~who are not related by blood, marriage or state registered domestic partnership under~~  
3552 ~~chapter 26.60 RCW, living together as a single housekeeping unit; or a group living~~  
3553 ~~arrangement where eight or fewer residents receive supportive services such as counseling,~~  
3554 ~~foster care, or medical supervision at the dwelling unit by resident or non-resident staff. For~~  
3555 ~~purposes of this definition, minors living with parent shall not be counted as part of the~~  
3556 ~~maximum number of residents.))~~, except that:

3557            A. Occupant limits on group living arrangements regulated under state law or on  
3558 short term rentals still apply; and

3559            B. Any restrictions on occupant load of a structure as calculated by the county in  
3560 accordance with the applicable building code still apply.

3561            SECTION 86. Ordinance 10870, Section 148, and K.C.C. 21A.06.540 are hereby  
3562 amended to read as follows:

3563            General business service: an establishment engaged in providing services to  
3564 businesses or individuals, with no outdoor storage or fabrication, including only uses  
3565 located in SIC Major Group Nos.:

3566            A. 60-Depository Institutions;

3567            B. 61-Nondepository Credit Institutions;

3568            C. 62-Security and Commodity Brokers, Dealers, Exchanges, and Services;

3569            D. 63-Insurance Carriers;

3570            E. 65-Real Estate, except 653 (Real Estate Agents and Directors);

3571            F. 67-Holding and Other Investment Offices;

3572            G. 7299 Miscellaneous Personal Services, not elsewhere classified;

3573            H. 73-Business Services, except Industry Group and Industry Nos.:

3574            I. 7312-Outdoor Advertising Services; and

3575            J. 86-Membership Organizations, including administrative offices of organized  
3576 religions found in 8661, but excluding ~~((churches and places of worship))~~ places where  
3577 religious services are conducted.

3578            NEW SECTION. SECTION 87. There is hereby added to K.C.C. chapter  
3579 21A.06 a new section to read as follows:

3580            Interim housing: a facility that provides temporary shelter for people who are  
3581 unsheltered or waiting to move into permanent housing.

3582            NEW SECTION. SECTION 88. There is hereby added to K.C.C. chapter  
3583 21A.06 a new section to read as follows:

3584           Microshelter: a small structure designed to be used for overnight shelter.

3585           NEW SECTION. SECTION 89. There is hereby added to K.C.C. chapter

3586 21A.06 a new section to read as follows:

3587           Microshelter village: emergency housing located on a lot, or lots, containing  
3588 multiple microshelters and that provide: cooking facilities or meals; hygiene facilities,  
3589 including restrooms and showers; and a shared gathering space.

3590           NEW SECTION. SECTION 90. There is hereby added to K.C.C. chapter

3591 21A.06 a new section to read as follows:

3592           Outdoor resource-based recreation activities: recreational activities that rely upon  
3593 their setting in or near natural resource lands for their enjoyment, including but not limited  
3594 to hiking, rafting, biking, skiing, horseback riding, fishing, climbing, or similar activities  
3595 necessitating an outdoor setting.

3596           NEW SECTION. SECTION 91. There is hereby added to K.C.C. chapter

3597 21A.06 a new section to read as follows:

3598           Permanent supportive housing: subsidized, leased housing with no limit on length  
3599 of stay that prioritizes people who need comprehensive support services to retain tenancy  
3600 and utilizes admissions practices designed to use lower barriers to entry than would be  
3601 typical for other subsidized or unsubsidized rental housing, especially related to rental  
3602 history, criminal history, and personal behaviors. Permanent supportive housing is paired  
3603 with on-site or off-site voluntary services designed to support a person living with a  
3604 complex and disabling behavioral health or physical health condition who was experiencing  
3605 homelessness before moving into housing to retain their housing and be a successful tenant  
3606 in a housing arrangement, improve the resident's health status, and connect the resident of

3607 the housing with community-based health care, treatment, or employment services.  
3608 Permanent supportive housing is subject to all of the rights and responsibilities defined in  
3609 chapter 59.18 RCW.

3610 NEW SECTION. SECTION 92. There is hereby added to K.C.C. chapter  
3611 21A.06 a new section to read as follows:

3612 Recuperative housing: housing that is designed for persons experiencing  
3613 homelessness who are not acutely sick enough to warrant a hospital stay but have needs  
3614 beyond what can typically be addressed in a traditional housing environment.

3615 SECTION 93. K.C.C. 21A.06.185, as amended by this ordinance, is hereby  
3616 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.980.

3617 SECTION 94. Ordinance 10870, Section 77, and K.C.C. 21A.06.185 hereby  
3618 amended to read as follows:

3619 ~~((Church, synagogue or temple))~~ Religious facility: a place where religious  
3620 services are conducted, including a church, synagogue, temple, or mosque. Religious  
3621 facilities includes those uses located in SIC Industry No. 866 and ~~((including))~~ accessory  
3622 uses in the primary or accessory buildings, such as religious education facilities, reading  
3623 rooms, assembly rooms, and residences for nuns and clergy. ~~((This definition does))~~  
3624 Religious facilities not include facilities for training of religious orders.

3625 SECTION 95. Ordinance 14045, Section 7, and K.C.C. 21A.06.1013 are hereby  
3626 amended to read as follows:

3627 Rural equestrian community trail: an existing trail within the Equestrian  
3628 Community located in the A, F<sub>2</sub> or RA zones that has historically been used by the public for  
3629 riding horses, and that may also have historically been used by or is suitable for use by other

3630 ~~((non-motorized))~~ active transportation, as defined in section 11 of this ordinance, trail  
3631 users.

3632 NEW SECTION. SECTION 96. There is hereby added to K.C.C. chapter  
3633 21A.06 a new section to read as follows:

3634 Safe parking: a site designated for unsheltered people to reside in a recreational  
3635 vehicle or vehicle and that provides access to onsite services and utilities.

3636 SECTION 97. Ordinance 10870, Section 252, as amended, and K.C.C.  
3637 21A.06.1060 are hereby amended to read as follows:

3638 Senior ~~((citizen))~~: a person aged ~~((62))~~ sixty-two or older.

3639 SECTION 98. Ordinance 10870, Section 634 (part), as amended, and K.C.C.  
3640 21A.06.1062 are hereby amended to read as follows:

3641 Senior ~~((citizen))~~ assisted housing: housing in a building consisting of two or  
3642 more dwelling units or sleeping units restricted to occupancy by ~~((at least one senior~~  
3643 ~~citizen per unit))~~ seniors, and may include the following support services, as deemed  
3644 necessary:

3645 A. Food preparation and dining areas;

3646 B. Group activity areas;

3647 C. Medical supervision; and

3648 D. Similar activities.

3649 SECTION 99. Ordinance 3688, Section 251, as amended, and K.C.C.

3650 21A.06.1082C are hereby amended to read as follows:

3651 Shoreline stabilization: a structure ~~((or))~~<sub>2</sub> device, ~~((including, but not limited to,~~  
3652 ~~breakwaters, bulkheads, jetties, groins and riprap, that is placed so as to prevent))~~ or



3653 action used to address erosion impacts or to alter ~~((the))~~ normal currents, wave actions, or  
 3654 other natural forces or actions of a waterbody. Structural shoreline stabilization falls on a  
 3655 spectrum of hard structures, such as groins, riprap, bulkheads, sea walls, and revetments,  
 3656 to soft approaches such as beach nourishment, drift log placement, revegetation, and  
 3657 other bioengineering techniques. Nonstructural shoreline stabilization includes methods  
 3658 such as building setbacks, relocation of the structure to be protected, groundwater  
 3659 management, and planning and regulatory measures to avoid the need for structural  
 3660 stabilization. Shoreline stabilization does not include flood protection facilities.

3661 SECTION 100. Ordinance 10870, Section 295, as amended, and K.C.C.  
 3662 21A.06.1275 are hereby amended to read as follows:

3663 Temporary use permit: permit to allow a use of limited duration and/or frequency,  
 3664 or to allow multiple related events over a specified period. A temporary use permit does not  
 3665 permit the construction or establishment of any permanent use, alteration, or structure.

3666 SECTION 101. Ordinance 10870, Section 297, as amended, and K.C.C.  
 3667 21A.06.1285 are hereby amended to read as follows:

3668 Trails: human-made pathways, including elevated boardwalks, bridges, and stairs,  
 3669 designed and intended for ~~((use by pedestrians, bicyclists, equestrians and other~~  
 3670 ~~nonmotorized recreational users))~~ active transportation, as defined in section 11 of this  
 3671 ordinance.

3672 SECTION 102. Ordinance 10870, Section 330, as amended, and K.C.C.  
 3673 21A.08.030 are hereby amended to read as follows:

3674 A. Residential land uses.

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

S-Special Use					R A L								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	<b>DWELLING UNITS, TYPES:</b>												
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P((45 ) ) 16				
* _	<u>Duplex</u>				<u>C4</u>	<u>C4</u>	<u>P5</u> <u>P19</u>	<u>P19</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	
* _	<u>Triplex</u>				<u>C4</u>	<u>C4</u>	<u>P5</u> <u>P19</u>	<u>P19</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	
* _	<u>Fourplex</u>				<u>C4</u>	<u>C4</u>	<u>P5</u> <u>P19</u>	<u>P19</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	<u>P3</u>	
*	Townhouse				C4	C4	P11 ( <del>C12</del> )	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 ( <del>C5</del> )	P	P3	P3	P3	P3	
*	Mobile Home Park				S13		C8	P					
*	Cottage Housing						P15						
* _	<u>Permanent Supportive Housing</u>						<u>C20</u> <u>and</u> <u>21</u>	<u>P21</u>		<u>P21</u>	<u>P21</u>	<u>P21</u>	
	<b>GROUP RESIDENCES:</b>												
*	Community Residential Facility-I				C	C	P14.a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						P14.b	P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					
*	Senior ( <del>Citizen</del> ) Assisted Housing						P4	P4	P	P3	P3	P3	P3

* _	<u>Emergency Shelter</u>					<u>C20</u> <u>and</u> <u>21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>		<u>P21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>	
* _	<u>Emergency Supportive Housing</u>						<u>P21</u> <u>and</u> <u>22</u>		<u>P21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>	
* _	<u>Interim Housing</u>						<u>P21</u> <u>and</u> <u>22</u>		<u>P21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>	
* _	<u>Microshelter Villages</u>					<u>C20</u> <u>and</u> <u>21</u> <u>and</u> <u>22</u> <u>and</u> <u>23</u>	<u>P21</u> <u>and</u> <u>22</u> <u>and</u> <u>23</u>		<u>P21</u> <u>and</u> <u>22</u> <u>and</u> <u>23</u>	<u>P21</u> <u>and</u> <u>22</u> <u>and</u> <u>23</u>	<u>P21</u> <u>and</u> <u>22</u> <u>and</u> <u>23</u>	
* _	<u>Recuperative Housing</u>					<u>C20</u> <u>and</u> <u>21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>		<u>P21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>	
* _	<u>Safe Parking</u>					<u>C20</u> <u>and</u> <u>21</u> <u>and</u> <u>22</u>	<u>P21</u> <u>and</u> <u>22</u>		<u>P 21</u> <u>and</u> <u>22</u>	<u>P 21</u> <u>and</u> <u>22</u>	<u>P 21</u> <u>and</u> <u>22</u>	
	<b>ACCESSORY USES:</b>											
*	Residential Accessory Uses	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P18	P18	P18	P18	P18	P18	P18	P18	P18	P18	P18
*	Home Industry	C		C	C	C						
	<b>TEMPORARY LODGING:</b>											

7011	Hotel/Motel (1)									P	P	P	
*	Bed and Breakfast	P9			P9	P9	P9	P9	P9	P10	P10		
	Guesthouse												
7041	Organization						P17				P		
	Hotel/Lodging Houses												

3675

B. Development conditions.

3676

1. Except bed and breakfast guesthouses.

3677

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

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a. Site disturbance associated with development of any new residence shall be

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limited to three acres. Site disturbance shall mean all land alterations including, but not

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limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage

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disposal systems, and driveways. Additional site disturbance for agriculture, including

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raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be

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approved only if a farm management plan is prepared in accordance with K.C.C. chapter

3684

21A.30. Animal densities shall be based on the area devoted to animal care and not the total

3685

area of the lot;

3686

b. A forest management plan shall be required for any new residence in the forest

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production district, that shall be reviewed and approved by the King County department of

3688

natural resources and parks before building permit issuance; and

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c. The forest management plan shall incorporate a fire protection element that

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includes fire safety best management practices developed by the department.

3691

3. Only as part of a mixed use development in urban areas and rural towns and

3692

subject to the conditions of K.C.C. chapter 21A.14, except that;

3693 a. in the NB zone on properties with a land use designation of commercial outside  
3694 of center (CO) in the urban areas, stand-alone townhouse developments are permitted  
3695 subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060, and 21A.14.180; and

3696 b. in commercial zones in the Rural Area outside of rural towns and on historic  
3697 properties listed in the National Register of Historic Places or designated as a King County  
3698 Landmark, multifamily residential, or group residence uses are allowed within existing  
3699 buildings.

3700 4. Only in a building listed ~~((on))~~ in the National Register ~~((as an historic site))~~ of  
3701 Historic Places or designated as a King County landmark subject to K.C.C. chapter 21A.32.

3702 5.a. In the R-1 zone, duplex, triplex, fourplex, and apartment units are permitted,  
3703 if:

3704 (1) At least fifty percent of the site is constrained by unbuildable critical areas.  
3705 For purposes of this subsection, unbuildable critical areas includes wetlands, aquatic areas,  
3706 and slopes forty percent or steeper, and associated buffers; and

3707 (2) The density does not exceed a density of eighteen units per acre of net  
3708 buildable area.

3709 b. In the R-4 through R-8 zones, duplex, triplex, fourplex, and apartment units  
3710 and permanent supportive housing are permitted if the density does not exceed a density of  
3711 eighteen units per acre of net buildable area.

3712 ~~((c. If the proposal will exceed base density for the zone in which it is proposed, a~~  
3713 ~~conditional use permit is required.))~~

3714 6. Only as accessory to a school, college, university, or ~~((church))~~ religious  
3715 facility.

3716 7.a. Accessory dwelling units are subject to the following standards:

3717 (1) ~~((Only one accessory dwelling per primary single detached dwelling or~~  
3718 ~~townhouse unit;~~

3719 (2) ~~Only allowed in the same building as the primary dwelling unit, except that~~  
3720 ~~detached accessory dwelling units are allowed when there is no more than one primary~~  
3721 ~~dwelling unit on the lot, and the following conditions are met:~~

3722 (a) ~~the lot must be three thousand two hundred square feet or greater if located~~  
3723 ~~in the urban area or a rural town; or~~

3724 (b) ~~the lot must meet the minimum lot area for the applicable zone if located in~~  
3725 ~~the rural area but not in a rural town, except that if one transferable development right is~~  
3726 ~~purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, a~~  
3727 ~~detached accessory dwelling unit is allowed on a RA-5 zoned lot that is two and one-half~~  
3728 ~~acres or greater;~~

3729 (3)) The accessory dwelling unit shall not exceed one thousand square feet of  
3730 heated floor area and one thousand square feet of unheated floor area except:

3731 (a) when the accessory dwelling unit is wholly contained within a basement or  
3732 attic, this limitation does not apply; or

3733 (b) for detached accessory dwelling units, the floor area contained in a  
3734 basement does not count toward the floor area maximum; ~~((or~~

3735 (c) ~~on a site zoned RA if one transferable development right is purchased from~~  
3736 ~~the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the accessory~~  
3737 ~~dwelling unit is permitted a maximum heated floor area of one thousand five hundred square~~  
3738 ~~feet and one thousand five hundred square feet of unheated floor area;~~

3739 ~~(4) Accessory dwelling units that are not wholly contained within an existing~~  
3740 ~~dwelling unit shall not exceed the base height established in 21A.12.030;~~

3741 ~~(5) When the primary and accessory dwelling units are located in the same~~  
3742 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~  
3743 ~~entrance may front a street;~~

3744 ~~(6)) (2) Attached accessory dwelling units shall have at least one common wall~~  
3745 ~~with the primary dwelling unit and appear to be contained within one structure. Connection~~  
3746 ~~through a breezeway or covered pathway shall not constitute an attached accessory dwelling~~  
3747 ~~unit unless the breeze way or covered pathway is:~~

3748 ~~(a) is less than ten feet in length;~~

3749 ~~(b) shares a common wall with both the accessory dwelling unit and primary~~  
3750 ~~residence;~~

3751 ~~(c) has a continuous roofline that appears to be one single building;~~

3752 ~~(d) is completely enclosed; and~~

3753 ~~(e) is heated space;~~

3754 ~~(3) No additional off-street parking spaces are required for accessory dwelling~~  
3755 ~~units;~~

3756 ~~((7) The primary dwelling unit or the accessory dwelling unit shall be occupied~~  
3757 ~~either by the owner of the primary dwelling unit or by an immediate family member of the~~  
3758 ~~owner. Immediate family members are limited to spouses, siblings, parents, grandparents,~~  
3759 ~~children and grandchildren, either by blood, adoption or marriage, of the owner. The~~  
3760 ~~accessory dwelling unit shall be converted to another permitted use or shall be removed if~~  
3761 ~~neither dwelling unit is occupied by the owner or an immediate family member;~~

3762           ~~(8))~~ (4) An applicant seeking to build an accessory dwelling unit shall file a  
3763 notice approved by the department of executive services, records and licensing services  
3764 division, that identifies the dwelling unit as accessory. The notice shall run with the land.  
3765 The applicant shall submit proof that the notice was filed before the department approves  
3766 any permit for the construction of the accessory dwelling unit. The required contents and  
3767 form of the notice shall be ~~((set forth))~~ established in administrative rules;

3768           ~~((9))~~ (5) Accessory dwelling units are not allowed in the F zone;

3769           (6) For lots in the UR, R-1 through R-48, and NB zones in the urban growth  
3770 area and that meet the minimum lot area for construction in K.C.C. 21A.12.100:

3771           (a) Two accessory dwelling units are allowed per primary single detached  
3772 dwelling unit, duplex, triplex, fourplex, or townhouse unit in the following configurations:

3773           (i) one attached accessory dwelling unit and one detached accessory dwelling  
3774 unit;

3775           (ii) two attached accessory dwelling units; or

3776           (iii) two detached accessory dwelling units, which may be either one or two  
3777 detached structures;

3778           (b) Accessory dwelling units may be converted from existing structures,  
3779 including but limited to garages, even if the existing structure violates requirements for  
3780 setbacks or maximum impervious surface percentage; and

3781           (c) No public street improvements are required for accessory dwelling units;

3782           (7) For lots in the rural area or on natural resource lands:

3783           (a) only one accessory dwelling unit per primary single detached dwelling unit;



3784 (b) Only allowed in the same building as the primary dwelling unit, except that  
3785 detached accessory dwelling units are allowed when there is no more than one primary  
3786 dwelling unit on the lot, and the following conditions are met:

3787 (i) the lot must be three thousand two hundred square feet or greater if located  
3788 in a rural town; or

3789 (ii) the lot must meet the minimum lot area for the applicable zone if located  
3790 in the rural area but not in a rural town or on natural resource lands;

3791 (c) When the primary and accessory dwelling unit are located in the same  
3792 building, or in multiple buildings connected by a breezeway or covered pathway, only one  
3793 entrance may front a street;

3794 ~~((+))~~ (d) Accessory dwelling units should be designed to be compatible with  
3795 the primary dwelling unit and the surrounding properties, including material, colors, and  
3796 building forms; ~~((and))~~

3797 ~~((+))~~ (e) The applicant should consider a siting alternatives study that  
3798 analyzes placement options of the accessory dwelling unit on the property to minimize  
3799 impacts to privacy and views for surrounding property owners~~((:))~~; and

3800 (f) Accessory dwelling units in structures detached from the primary dwelling  
3801 unit shall be counted as a separate dwelling unit for the purpose of lot calculations in place  
3802 at the time of a proposed subdivision. If an accessory dwelling unit in a detached building  
3803 in the rural zone is subsequently converted to a primary unit on a separate lot, neither the  
3804 original lot nor the new lot may have an additional detached accessory dwelling unit  
3805 constructed unless the lot is at least twice the minimum lot area required by the zone in  
3806 K.C.C. 21A.12.030 or 21A.12.040.

3807           b. Accessory living quarters:

3808           (1) are limited to one per ~~((lot))~~ primary single detached dwelling unit;

3809           (2) are allowed only on lots of three thousand two hundred square feet or greater

3810 when located in the urban area or a rural town;

3811           (3) shall not exceed the base height as established in K.C.C. 21A.12.030;

3812           (4) shall not exceed one thousand square feet of heated floor area and one

3813 thousand square feet of unheated floor area; and

3814           (5) are not allowed in the F zone.

3815           c. One single or twin engine, noncommercial aircraft shall be permitted only on

3816 lots that abut, or have a legal access that is not a county ~~((right-of-way))~~ right of way, to a

3817 waterbody or landing field, but only if there are:

3818           (1) no aircraft sales, service, repair, charter, or rental; and

3819           (2) no storage of aviation fuel except that contained in the tank or tanks of the

3820 aircraft.

3821           d. Buildings for residential accessory uses in the RA and A zone shall not exceed

3822 five thousand square feet of gross floor area, except for buildings related to agriculture or

3823 forestry.

3824           8. Mobile home parks shall not be permitted in the R-1 zones.

3825           9. Only as accessory to the permanent residence of the operator, and:

3826           a. Serving meals shall be limited to paying guests; and

3827           b. The number of persons accommodated per night shall not exceed five, except

3828 that a structure that satisfies the standards of the International Building Code as adopted by

3829 King County for R-1 occupancies may accommodate up to ten persons per night.

3830 10. Only if part of a mixed use development, and subject to the conditions of  
3831 subsection B.9. of this section.

3832 11. ~~((Townhouses are permitted, but shall be subject to a conditional use permit if  
3833 exceeding base density.)) Repealed.~~

3834 12. Required before approving more than one dwelling on individual lots, except  
3835 on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit  
3836 lots, and except as provided for accessory dwelling units in subsection B.7. of this section.

3837 13. No new mobile home parks are allowed in a rural zone.

3838 14.a. Limited to domestic violence shelter facilities.

3839 b. Limited to domestic violence shelter facilities with no more than eighteen  
3840 residents or staff.

3841 15. Only in the R4-R8 zones subject to the following standards:

3842 a. Developments shall contain only cottage housing units with no fewer than  
3843 three units. If the site contains an existing home that is not being demolished, the existing  
3844 house is not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the  
3845 floor area and footprint limits in K.C.C. 21A.14.025.B.;

3846 b. Cottage housing developments should consider including a variety of housing  
3847 sizes, such as units with a range of bedroom sizes or total floor area; and

3848 c. Before filing an application with the department, the applicant shall hold a  
3849 community meeting in accordance with K.C.C. 20.20.035.

3850 16. The development for a detached single-family residence shall be consistent  
3851 with the following:

3852 a. The lot must have legally existed before March 1, 2005;

3853            b. The lot has a Comprehensive Plan land use designation of Rural Neighborhood  
3854 Commercial Center or Rural Area; and  
3855            c. The standards of this title for the RA-5 zone shall apply.  
3856            17. Only in the R-1 zone as an accessory to a golf facility and consistent with  
3857 K.C.C. 21A.08.040.  
3858            18. Allowed if consistent with K.C.C. chapter 21A.30.  
3859            19.a. A duplex is allowed on a R-4 through R-8 zoned lot that is four thousand five  
3860 hundred square feet or greater, despite base density requirement established in K.C.C.  
3861 21A.12.030, if under K.C.C. chapter 21A.37:  
3862            (1) When the lot is located in Snoqualmie Pass rural town, one transferable  
3863 development right is purchased from the Rural Area or Natural Resource Lands under  
3864 K.C.C. chapter 21A.37; or  
3865            (2) When the lot is located in the urban area, one half transferable development  
3866 right is purchased from the Rural Area or Natural Resource Lands or one transfer of  
3867 development right is purchased from the urban area under K.C.C. chapter 21A.37; and  
3868            b. Not allowed on a lot that contains an accessory dwelling unit or accessory  
3869 living quarter.  
3870            20. Allowed if:  
3871            a. Not in the R-1 zone; and  
3872            b. on the same site as a religious facility, public agency, or part of uses located in  
3873 SIC Social Services Group Nos.: 832 Individual and Family Social Services, 836  
3874 Residential Care, and 839 Social Services, Not Elsewhere Classified.  
3875            21.a. Only in the urban growth area; and

3876 b. Exempt from on-site recreation requirements in K.C.C 21A.14.180 through  
 3877 21A.14.190, landscape requirements in K.C.C. chapter 21A.16, bicycle parking  
 3878 requirements in K.C.C. 21A.18.030.E, and electric vehicle parking infrastructure  
 3879 requirements in K.C.C. 21A.18.140.

3880 22. Allowed if consistent with K.C.C. chapter 21A.XX (the new chapter created  
 3881 by section 197 of this ordinance) and K.C.C. chapter 24.XX (the new chapter created by  
 3882 section 203 of this ordinance).

3883 23. Must be buffered from adjacent properties with:

3884 a. a minimum ten-foot setback from the boundary of the lot on which the village  
 3885 is located, excluding access;

3886 b. vegetation meeting the criteria of a Type II landscaping screen in K.C.C.  
 3887 21A.16.040.B; or

3888 c. a six-foot high, view obscuring fence.

3889 SECTION 103. Ordinance 10870, Section 331, as amended, and K.C.C.

3890 21A.08.040 are hereby amended to read as follows:

3891 A. Recreational(~~/~~) and cultural land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12	NB	CB	RB	O	I
	<b>PARK/RECREATION:</b>												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P

*	Campgrounds		P16 C16 a	P16	P16 C16 a	P16 C16 a							P16 C16 a
*	Destination Resorts		S30		S ( <del>48</del> ) 30	((€) )					((€))		
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19							
*	Sports Club (17)				C4 and 18	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreational Camp		C		P24 C								
	<b>AMUSEMENT/ENTERTAINMENT:</b>												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
783 3	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and 18	P7	P7	P7					
799 9 (14)	Amusement and Recreation Services		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							

*	Shooting Range		C9		C9 and 18						C10		P10
*	Amusement Arcades								P	P			
799 6	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20 P20				S		
	<b>CULTURAL:</b>												
823	Library				P11	P11 C	P11 C	P28	P	P	P	P	
841	Museum	C2 3	C23		P11	P11 C	P11 C	P28	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				P29 C12	P29 C12	P29 C	P29 C	P	P	P	P	

3892

B. Development conditions.

3893

1. The following conditions and limitations shall apply, where appropriate:

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a. No stadiums on sites less than ten acres;

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b. Lighting for structures and fields shall be directed away from rural area and

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residential zones;

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c. Structures or service yards shall maintain a minimum distance of fifty feet from

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property lines adjoining rural area and residential zones, except for fences and mesh

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backstops;

3900

d. Facilities in the A zone shall be limited to trails and trailheads, including

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related accessory uses such as parking and sanitary facilities; and

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e. Overnight camping is allowed only in an approved campground.

3903

2. Recreational vehicle parks are subject to the following conditions and

3904

limitations:

3905           a. The maximum length of stay of any vehicle shall not exceed one hundred  
3906 eighty days during a three-hundred-sixty-five-day period;

3907           b. The minimum distance between recreational vehicle pads shall be no less than  
3908 ten feet; and

3909           c. Sewage shall be disposed in a system approved by ~~((the))~~ public health -  
3910 Seattle((-) & King County ((health department)).

3911           3. Limited to day moorage. The marina shall not create a need for off-site public  
3912 services beyond those already available before the date of application.

3913           4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities  
3914 subject to the following conditions and limitations:

3915           a. The bulk and scale shall be compatible with residential or rural character of the  
3916 area;

3917           b. For sports clubs, the gross floor area shall not exceed ten thousand square feet  
3918 unless the building is on the same site or adjacent to a site where a public facility is located  
3919 or unless the building is a nonprofit facility located in the urban area; and

3920           c. Use is limited to residents of a specified residential development or to sports  
3921 clubs providing supervised instructional or athletic programs.

3922           5. Limited to day moorage.

3923           6.a. Adult entertainment businesses shall be prohibited within three hundred thirty  
3924 feet of any property zoned RA, UR<sub>2</sub> or R or containing schools, licensed daycare centers,  
3925 public parks or trails, community centers, public libraries<sub>2</sub> or ~~((churches))~~ religious facilities.  
3926 In addition, adult entertainment businesses shall not be located closer than three thousand  
3927 feet to any other adult entertainment business. These distances shall be measured from the



3928 property line of the parcel or parcels proposed to contain the adult entertainment business to  
3929 the property line of the parcels zoned RA, UR<sub>2</sub> or R or that contain the uses identified in this  
3930 subsection B.6.a.

3931 b. Adult entertainment businesses shall not be permitted within an area likely to  
3932 be annexed to a city subject to an executed interlocal agreement between King County and a  
3933 city declaring that the city will provide opportunities for the location of adult businesses to  
3934 serve the area. The areas include those identified in the maps attached to Ordinance 13546.

3935 7.a. Clubhouses, maintenance buildings, equipment storage areas<sub>2</sub> and driving  
3936 range tees shall be at least fifty feet from rural area and residential zoned property lines.  
3937 Lighting for practice greens and driving range ball impact areas shall be directed away from  
3938 adjoining rural area and residential zones. Applications shall comply with adopted best  
3939 management practices for golf course development. Within the RA zone, those facilities  
3940 shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in designated rural  
3941 forest focus area, regionally significant resource areas<sub>2</sub> or locally significant resource areas.  
3942 Ancillary facilities associated with a golf course are limited to practice putting greens,  
3943 maintenance buildings<sub>2</sub> and other structures housing administrative offices or activities that  
3944 provide convenience services to players. These convenience services are limited to a pro  
3945 shop, food services<sub>2</sub> and dressing facilities and shall occupy a total of no more than ten  
3946 thousand square feet. Furthermore, the residential density that is otherwise permitted by the  
3947 zone shall not be used on other portions of the site through clustering or on other sites  
3948 through the transfer of density provision. This residential density clustering or transfer  
3949 limitation shall be reflected in a deed restriction that is recorded at the time applicable  
3950 permits for the development of the golf course are issued; and

3951                    b. In addition to ancillary facilities, an organizational hotel/lodging house shall be  
3952 allowed as an accessory use, subject to the following:

3953                    (1) only allowed in the R-1 zone;

3954                    (2) only allowed with a privately owned golf facility that legally existed as of  
3955 January 1, 2019;

3956                    (3) only allowed as an incidental or subordinate use to a principal golf facility  
3957 use;

3958                    (4) a maximum of twenty-four sleeping units is allowed; and

3959                    (5) shall be connected to and served by public sewer.

3960                    8. Limited to golf driving ranges, only as:

3961                    a. accessory to golf courses; or

3962                    b. accessory to a recreation or multiuse park.

3963                    9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty  
3964 feet from property lines adjoining rural area and residential zones, but existing facilities shall  
3965 be exempt.

3966                    b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets, or  
3967 arrows from leaving the property.

3968                    c. Site plans shall include: safety features of the range; provisions for reducing  
3969 sound produced on the firing line; elevations of the range showing target area, backdrops, or  
3970 butts; and approximate locations of buildings on adjoining properties.

3971                    d. Subject to the licensing provisions of K.C.C. Title 6.

3972                    10.a. Only in an enclosed building, and subject to the licensing provisions of  
3973 K.C.C. Title 6;

3974                    b. Indoor ranges shall be designed and operated so as to provide a healthful  
3975 environment for users and operators by:

3976                    (1) installing ventilation systems that provide sufficient clean air in the user's  
3977 breathing zone, and

3978                    (2) adopting appropriate procedures and policies that monitor and control  
3979 exposure time to airborne lead for individual users.

3980                    11. Only as accessory to a park or in a building listed ~~((en))~~ in the National  
3981 Register of Historic Places as an historic site or designated as a King County landmark  
3982 subject to K.C.C. chapter 21A.32.

3983                    12.a. Only as accessory to a nonresidential use established through a discretionary  
3984 permit process, if the scale is limited to ensure compatibility with surrounding  
3985 neighborhoods; and

3986                    b. In the UR zone, only if the property is located within a designated  
3987 unincorporated rural town.

3988                    13. Subject to the following:

3989                    a. The park shall abut an existing park on one or more sides, intervening roads  
3990 notwithstanding;

3991                    b. No bleachers or stadiums are permitted if the site is less than ten acres, and no  
3992 public amusement devices for hire are permitted;

3993                    c. Any lights provided to illuminate any building or recreational area shall be so  
3994 arranged as to reflect the light away from any premises upon which a dwelling unit is  
3995 located; and

3996 d. All buildings or structures or service yards on the site shall maintain a distance  
3997 not less than fifty feet from any property line and from any public street.

3998 14.a. Excluding amusement and recreational uses classified elsewhere in this  
3999 chapter.

4000 b. Fireworks display services, also known as public displays of fireworks, are  
4001 allowed in all zones, subject to the requirements of K.C.C. chapter 17.11.

4002 15. For amusement and recreation services not otherwise provided for in this  
4003 chapter:

4004 a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on  
4005 sites at least five acres or larger;

4006 b. Retail sales are limited to incidental sales to patrons of the amusement or  
4007 recreation service; and

4008 c. Does not involve the operation of motor vehicles or off-road vehicles,  
4009 including, but not limited to, motorcycles and go-carts.

4010 16. Subject to the following conditions:

4011 a. The length of stay per party in campgrounds shall not exceed one hundred  
4012 eighty days during a three-hundred-sixty-five-day period; and

4013 b. Only for campgrounds that are part of a proposed or existing county park, that  
4014 are subject to review and public meetings through the department of natural resources and  
4015 parks.

4016 17. Only for stand-alone sports clubs that are not part of a park.

4017 18. Subject to review and approval of conditions to comply with trail corridor  
4018 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

- 4019           19. Only as an accessory to a recreation or multiuse park.
- 4020           20. Only as an accessory to a recreation or multiuse park of at least twenty acres  
4021 located within the urban growth area or on a site immediately adjacent to the urban growth  
4022 area with the floor area of an individual outdoor performance center stage limited to three  
4023 thousand square feet.
- 4024           21. Limited to rentals of sports and recreation equipment with a total floor area of  
4025 no more than seven hundred fifty square feet and only as accessory to a park, or in the RA  
4026 zones, to a recreation or multiuse park.
- 4027           22. Only as accessory to a large active recreation and multiuse park and limited to:  
4028           a. water slides, wave pools, and associated water recreation facilities; and  
4029           b. rentals of sports and recreation equipment.
- 4030           23. Limited to natural resource and heritage museums and only allowed in a farm  
4031 or forestry structure, including, but not limited to, barns or sawmills, existing as of  
4032 December 31, 2003.
- 4033           24. Use is permitted without a conditional use permit only when in compliance  
4034 with all of the following conditions:
- 4035           a. The use is limited to camps for youths or for persons with special needs due to  
4036 a disability, as defined by the American With Disabilities Act of 1990, or due to a medical  
4037 condition and including training for leaders for those who use the camp;
- 4038           b. Active recreational activities shall not involve the use of motorized vehicles  
4039 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The  
4040 prohibition on motorized vehicles does not apply to such vehicles that may be necessary for

4041 operation and maintenance of the facility or to a client-specific vehicle used as a personal  
4042 mobility device;

4043 c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number of  
4044 overnight campers, not including camp personnel, in a new camp shall not exceed:

4045 (a) one hundred and fifty for a camp between twenty and forty acres; or

4046 (b) for a camp greater than forty acres, but less than two hundred and fifty  
4047 acres, the number of users allowed by the design capacity of a water system and on-site  
4048 sewage disposal system approved by ~~((the department of))~~ public health~~((;))~~ - Seattle~~((/))~~ &  
4049 King County, up to a maximum of three hundred and fifty; and

4050 (2) Existing camps shall be subject to the following:

4051 (a) For a camp established before August 11, 2005, with a conditional use  
4052 permit and that is forty acres or larger, but less than one hundred and sixty acres, the number  
4053 of overnight campers, not including camp personnel, may be up to one hundred ~~((and))~~ fifty  
4054 campers over the limit established by subsection B.24.c.(1)(b) of this section.

4055 (b) For a camp established before August 11, 2005, with a conditional use  
4056 permit and that is one hundred ~~((and))~~ sixty acres or larger, but less than two hundred acres,  
4057 the number of overnight campers, not including camp personnel, may be up to three hundred  
4058 ~~((and))~~ fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

4059 The camp may terminate operations at its existing site and establish a new camp if the area  
4060 of the camp is greater than two hundred ~~((and))~~ fifty acres and the number of overnight  
4061 campers, not including camp personnel, shall not exceed seven hundred.

4062 d. The length of stay for any individual overnight camper, not including camp  
4063 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

4064 e. The camp facilities, such as a medical station, food service hall, and activity  
4065 rooms, shall be of a scale to serve overnight camp users;

4066 f. The minimum size of parcel for such use shall be twenty acres;

4067 g. Except for any permanent caretaker residence, all new structures where camp  
4068 users will be housed, fed, or assembled shall be no less than fifty feet from properties not  
4069 related to the camp;

4070 h. In order to reduce the visual impacts of parking areas, sports and activity fields,  
4071 or new structures where campers will be housed, fed, or assembled, the applicant shall  
4072 provide a Type 3 landscape buffer no less than twenty feet wide between the nearest  
4073 property line and such parking area, field, or structures, by retaining existing vegetation or  
4074 augmenting as necessary to achieve the required level of screening;

4075 i. If the site is adjacent to an arterial roadway, access to the site shall be directly  
4076 onto ~~((said))~~ the arterial unless direct access is unsafe due inadequate sight distance or  
4077 extreme grade separation between the roadway and the site;

4078 j. If direct access to the site is via local access streets, transportation demand  
4079 management measures, such as use of carpools, buses, or vans to bring in campers, shall be  
4080 used to minimize traffic impacts;

4081 k. Any lights provided to illuminate any building or recreational area shall be so  
4082 arranged as to reflect the light away from any adjacent property; and

4083 l. A community meeting shall be convened by the applicant before submittal of  
4084 an application for permits to establish a camp, or to expand the number of camp users on an  
4085 existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the  
4086 meeting shall be provided at least two weeks in advance to all property owners within five

4087 hundred feet, or at least twenty of the nearest property owners, whichever is greater. The  
4088 notice shall at a minimum contain a brief description of the project and the location, as well  
4089 as((;)) contact persons and numbers.

4090 25. Limited to theaters primarily for live productions located within a Rural Town  
4091 designated by the King County Comprehensive Plan.

4092 26.a. Only in an enclosed building; and

4093 b. A copy of the current liability policy of not less than one million dollars for  
4094 bodily injury or death shall be maintained in the department.

4095 27. Minimum standards for outdoor paintball recreation fields:

4096 a. The minimum site area is twenty-five acres;

4097 b. Structure shall be no closer than one hundred feet from any lot line adjacent to a  
4098 rural area or residential zoned property;

4099 c. The area where paintballs are discharged shall be located more than three  
4100 hundred feet of any lot line and more than five hundred feet from the lot line of any  
4101 adjoining rural area or residential zoned property. The department may allow for a lesser  
4102 setback if it determines through the conditional use permit review that the lesser setback in  
4103 combination with other elements of the site design provides adequate protection to adjoining  
4104 properties and rights-of-ways;

4105 d. A twenty-foot high nylon mesh screen shall be installed around all play areas  
4106 and shall be removed at the end of each day when the play area is not being used. The  
4107 department may allow for the height of the screen to be lowered to no less than ten feet if it  
4108 determines through the conditional use permit review that the lower screen in combination



4109 with other elements of the site design provides adequate protection from discharged  
4110 paintballs;

4111 e. All parking and spectator areas, structures, and play areas shall be screened  
4112 from adjoining rural area or residential zoned property and public rights of way with Type 1  
4113 landscaping at least ten feet wide;

4114 f. Any retail sales conducted on the property shall be accessory and incidental to  
4115 the permitted activity and conducted only for the participants of the site;

4116 g. A plan of operations specifying days and hours of operation, number of  
4117 participants and employees, types of equipment to be used by users of the site, safety  
4118 procedures, type of compressed air fuel to be used on the site, and storage and maintenance  
4119 procedures for the compressed air fuel shall be provided for review in conjunction with the  
4120 conditional use permit application. All safety procedures shall be reviewed and approved by  
4121 department of public safety before submittal of the conditional use permit application. All  
4122 activities shall be in compliance with National Paintball League standards;

4123 h. The hours of operation shall be limited to Saturdays and Sundays and statutory  
4124 holidays from 8:30 (~~(A.M.)~~) a.m. to 8:30 (~~(P.M.)~~) p.m., and further restricted as applicable  
4125 to daylight hours;

4126 i. No more than one hundred paintball players shall be allowed on the site at any  
4127 one time;

4128 j. No outdoor lights or amplified sounds shall be permitted;

4129 k. The facility shall have direct access to a road designated as a major collector  
4130 (or higher) in the Comprehensive Plan unless the department determines through the  
4131 conditional use permit review that the type and amount of traffic generated by the facility is

4132 such that it will not cause an undue impact on the neighbors or adversely affect safety of  
4133 road usage;

4134 l. The facility shall be secured at the close of business each day;

4135 m. All equipment and objects used in the paintball activities shall be removed  
4136 from the site within ninety days of the discontinuance of the paintball use; and

4137 n. A copy of the current liability policy of not less than one million dollars for  
4138 bodily injury or death shall be submitted with the conditional use permit application and  
4139 shall be maintained in the department.

4140 28. Before filing an application with the department, the applicant shall hold a  
4141 community meeting in accordance with K.C.C. 20.20.035.

4142 29. Only as accessory to a recreation or multiuse park of least twenty acres located  
4143 within the urban growth area or on a site immediately adjacent to the urban growth area or  
4144 in a building listed ~~((en))~~ in the National Register of Historic Places as an historic site or  
4145 designated as a King County landmark subject to K.C.C. chapter 21A.32.

4146 30.a. A community meeting consistent with K.C.C. 20.20.035 shall be convened  
4147 by the applicant before submittal of an application for permits to establish a destination  
4148 resort.

4149 b. Subject to review and approval of conditions to comply with trail corridor  
4150 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

4151 c. Except for trails, residential and recreational structures and facilities shall be  
4152 setback at least one hundred feet from adjacent roadways and access easements; and at least  
4153 three hundred feet from adjacent residential, rural area, or resource zoned properties.

4154 d. Outside the urban growth area:

4155           (1). The minimum site area is ten acres and must be at least five miles from the  
4156 urban growth area boundary;

4157           (2) the number of temporary lodging units shall not exceed two units per acre,  
4158 up to one hundred units, and be proportionately scaled and limited based on developed site  
4159 area, availability of recreation opportunities and distance to urban area zones allowing for  
4160 temporary lodging;

4161           (3) the site must be within ten miles of at least three off-site, outdoor resource-  
4162 based recreation activities; and

4163           (4) the destination resort shall provide at least two on-site outdoor resource-  
4164 based recreation activities;

4165           e. Applications must identify all aspects of the proposal, including residential,  
4166 commercial, and recreational uses;

4167           f. Accessory on-site uses shall be at a size and scale to serve primarily the guests  
4168 of the resort;

4169           g. When occurring in the forest zone, forest production district, or rural forest  
4170 focus areas, the proposal must demonstrate that the predominate land area will remain viable  
4171 for resource-based uses or preservation of forestry resources, or both; and

4172           h. When occurring in the forest production district, only allowed if compatible  
4173 with long-term forestry, protection of Indian tribal cultural resources, and other resource  
4174 management goals of the Comprehensive Plan.

4175           SECTION 104. Ordinance 10870, Section 332, as amended, and K.C.C.

4176 21A.08.050 are hereby amended to read as follows:

4177           A. General services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	<b>PERSONAL SERVICES:</b>													
72	General Personal Service						C25 C37	C25 C37	P	P	P	P3	P3	
7216	Drycleaning Plants												P	
7218	Industrial Launderers												P	
7261	Funeral Home/Crematory						C4	C4	C4		P	P		
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24		
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7	
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7	
074	Veterinary Clinic	P9			P9 C10 and 31	P9 C10			P10	P10	P10		P	
753	Automotive Repair (1)								P11	P	P		P	
754	Automotive Service								P11	P	P		P	
76	Miscellaneous Repair (44)				P32	P32	P32	P32	P32	P	P		P	
((866) ) *	((Church, Synagogue, Temple)) <u>Religious Facility</u>				P12 C27	P12 C	P12 C	P12 C	P	P	P	P		

					and 31								
83		Social Services (2)			P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P	
0752		Animal specialty services			C P35 P36	C			P	P	P	P	P
*		Stable	P14 C		P14 C31	P14 C	P 14 C						
*		Commercial Kennel or Commercial Cattery	P42		C43	C43				C43	P43		
*		Theatrical Production Services								P30	P28		
*		Artist Studios			P28	P28	P28	P28	P	P	P	P29	P
*		Interim Recycling Facility			P21	P21	P21	P21	P22	P22	P	P21	P
*		Dog training facility	C34		C34	C34			P	P	P		P
		<b>HEALTH SERVICES:</b>											
801- 04		Office/Outpatient Clinic			P12 C 13a	P12 C13a	P12 C13 a C37	P12 C13a C37	P	P	P	P	P
805		Nursing and Personal Care Facilities						C		P	P		
806		Hospital					C13 a	C13a		P	P	C	
807		Medical/Dental Lab								P	P	P	P
808- 09		Miscellaneous Health								P	P	P	
		<b>EDUCATION SERVICES:</b>											

*		Elementary School				P39 P40	P	P	P		P16 P40	P16 P40	P16 P40	
*		Middle/Junior High School				P40 C39 and 31	P	P	P		P16 C40	P16 C40	P16 C40	
*		Secondary or High School				C39 and 31 C41 and 31	P26	P26	P26		P16 C15	P16 C15	P16 P16	
*		Vocational School					P13a C	P13a C	P13a C			P15	P17	P
*		Specialized Instruction School				P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P 38
*		School District Support Facility					P23 C	P23 C	P23 C	C15	P15	P15	P15	P15

4178

B. Development conditions.

4179

1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted

4180

use table.

4181

2. Except SIC Industry Group Nos.:

4182

a. 835-Day Care Services, and

4183

b. Community residential facilities.

4184

3. Limited to SIC Industry Group and Industry Nos.:

4185

a. 723-Beauty Shops;

4186

b. 724-Barber Shops;

4187

c. 725-Shoe Repair Shops and Shoeshine Parlors;

- 4188 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and  
4189 e. 217-Carpet and Upholstery Cleaning.
- 4190 4. Only as accessory to a cemetery, and prohibited from the UR zone only if the  
4191 property is located within a designated unincorporated Rural Town.
- 4192 5. Structures shall maintain a minimum distance of one hundred feet from property  
4193 lines adjoining rural area and residential zones.
- 4194 6. Only as accessory to residential use, and:
- 4195 a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with  
4196 no openings except for gates, and have a minimum height of six feet; and
- 4197 b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
4198 from property lines adjoining rural area and residential zones.
- 4199 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.  
4200 21A.08.060.A.
- 4201 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32, or  
4202 an accessory use to a school, (~~church~~) religious facility, park, sport club, or public housing  
4203 administered by a public agency, and:
- 4204 a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with  
4205 no openings except for gates, and have a minimum height of six feet;
- 4206 b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
4207 from property lines adjoining rural area and residential zones;
- 4208 c. Direct access to a developed arterial street shall be required in any residential  
4209 zone; and

4210 d. Hours of operation may be restricted to assure compatibility with surrounding  
4211 development.

4212 9. As a home occupation only, but the square footage limitations in K.C.C. chapter  
4213 21A.30 for home occupations apply only to the office space for the veterinary clinic, and:

4214 a. Boarding or overnight stay of animals is allowed only on sites of five acres or  
4215 more;

4216 b. No burning of refuse or dead animals is allowed;

4217 c. The portion of the building or structure in which animals are kept or treated  
4218 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be  
4219 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with  
4220 concrete or other impervious material; and

4221 d. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

4222 10.a. No burning of refuse or dead animals is allowed;

4223 b. The portion of the building or structure in which animals are kept or treated  
4224 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be  
4225 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with  
4226 concrete or other impervious material; and

4227 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

4228 11. The repair work or service shall only be performed in an enclosed building,  
4229 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery  
4230 Repair Shops and Paint Shops is not allowed.



4231           12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.  
4232 Before filing an application with the department, the applicant shall hold a community  
4233 meeting in accordance with K.C.C. 20.20.035.

4234           13.a. Except as otherwise provided in subsection B.13.b. of this section, only as a  
4235 reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

4236           b. Allowed for a social service agency on a site in the NB zone that serves  
4237 transitional or low-income housing located within three hundred feet of the site on which the  
4238 social service agency is located.

4239           c. Before filing an application with the department, the applicant shall hold a  
4240 community meeting in accordance with K.C.C. 20.20.035.

4241           14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not exceed  
4242 twenty thousand square feet, but stabling areas, whether attached or detached, shall not be  
4243 counted in this calculation.

4244           15. If located outside of the urban growth area, limited to projects that are of a size  
4245 and scale designed to primarily serve the Rural Area and Natural Resource Lands and shall  
4246 be located within a rural town.

4247           16. If located outside of the urban growth area, shall be designed to primarily serve  
4248 the Rural Area and Natural Resource Lands and shall be located within a rural town. In CB,  
4249 RB<sub>2</sub> and O, for K-12 schools with no more than one hundred students.

4250           17. All instruction must be within an enclosed structure.

4251           18. Limited to resource management education programs.

4252           19. Only as accessory to residential use, and:

4253           a. Students shall be limited to twelve per one-hour session;

4254                   b. Except as provided in subsection B.19.c. of this section, all instruction must be  
4255 within an enclosed structure;

4256                   c. Outdoor instruction may be allowed on properties at least two and one-half  
4257 acres in size. Any outdoor activity must comply with the requirements for setbacks in  
4258 K.C.C. chapter 21A.12; and

4259                   d. Structures used for the school shall maintain a distance of twenty-five feet  
4260 from property lines adjoining rural area and residential zones.

4261                   20. Subject to the following:

4262                   a. Structures used for the school and accessory uses shall maintain a minimum  
4263 distance of twenty-five feet from property lines adjoining residential zones;

4264                   b. On lots over two and one-half acres:

4265                   (1) Retail sale of items related to the instructional courses is permitted, if total  
4266 floor area for retail sales is limited to two thousand square feet;

4267                   (2) Sale of food prepared in the instructional courses is permitted with ~~((Seattle-~~  
4268 ~~King County department of))~~ public health - Seattle & King County approval, if total floor  
4269 area for food sales is limited to one thousand square feet and is located in the same structure  
4270 as the school; and

4271                   (3) Other incidental student-supporting uses are allowed, if such uses are found  
4272 to be both compatible with and incidental to the principal use; and

4273                   c. On sites over ten acres, located in a designated Rural Town and zoned any one  
4274 or more of UR, R-1, and R-4:

4275                   (1) Retail sale of items related to the instructional courses is permitted, provided  
4276 total floor area for retail sales is limited to two thousand square feet;

4277 (2) Sale of food prepared in the instructional courses is permitted with ((~~Seattle-~~  
4278 ~~King County department of~~) public health - Seattle & King County approval, if total floor  
4279 area for food sales is limited to one thousand seven hundred fifty square feet and is located  
4280 in the same structure as the school;

4281 (3) Other incidental student-supporting uses are allowed, if the uses are found to  
4282 be functionally related, subordinate, compatible with and incidental to the principal use;

4283 (4) The use shall be integrated with allowable agricultural uses on the site;

4284 (5) Advertised special events shall comply with the temporary use requirements  
4285 of this chapter; and

4286 (6) Existing structures that are damaged or destroyed by fire or natural event, if  
4287 damaged by more than fifty percent of their prior value, may reconstruct and expand an  
4288 additional sixty-five percent of the original floor area but need not be approved as a  
4289 conditional use if their use otherwise complies with development condition in subsection  
4290 B.20.c. of this section and this title.

4291 21. Limited to:

4292 a. drop box facilities accessory to a public or community use such as a school,  
4293 fire station<sub>2</sub>, or community center; or

4294 b. in the RA zone, a facility accessory to a retail nursery, garden center and farm  
4295 supply store that accepts earth materials, vegetation, organic waste, construction<sub>2</sub> and  
4296 demolition materials or source separated organic materials, if:

4297 (1) the site is five acres or greater;

4298 (2) all material is deposited into covered containers or onto covered impervious  
4299 areas;

4300 (3) the facility and any driveways or other access to the facility maintain a  
4301 setback of at least twenty five feet from adjacent properties;

4302 (4) the total area of the containers and covered impervious area is ten thousand  
4303 square feet or less;

4304 (5) ten feet of type II landscaping is provided between the facility and adjacent  
4305 properties;

4306 (6) no processing of the material is conducted on site; and

4307 (7) access to the facility is not from a local access street.

4308 22. With the exception of drop box facilities for the collection and temporary  
4309 storage of recyclable materials, all processing and storage of material shall be within  
4310 enclosed buildings. Yard waste processing is not permitted.

4311 23. Only if adjacent to an existing or proposed school.

4312 24. Limited to columbariums accessory to a (~~church~~) religious facility, but  
4313 required landscaping and parking shall not be reduced.

4314 25. Not permitted in R-1 and limited to a maximum of five thousand square feet  
4315 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

4316 26.a. New high schools permitted in the rural and the urban residential and urban  
4317 reserve zones shall be subject to the review process in K.C.C. 21A.42.140.

4318 b. Renovation, expansion, modernization, or reconstruction of a school, or the  
4319 addition of relocatable facilities, is permitted.

4320 27. Limited to projects that do not require or result in an expansion of sewer  
4321 service outside the urban growth area. In addition, such use shall not be permitted in the  
4322 RA-20 zone.

- 4323           28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
4324 21A.32 or as a joint use of an existing public school facility.
- 4325           29. All studio use must be within an enclosed structure.
- 4326           30. Adult use facilities shall be prohibited within six hundred sixty feet of any rural  
4327 area and residential zones, any other adult use facility, school, licensed daycare centers,  
4328 parks, community centers, public libraries, or ~~((churches))~~ religious facilities that conduct  
4329 religious or educational classes for minors.
- 4330           31. Subject to review and approval of conditions to comply with trail corridor  
4331 provisions of K.C.C. chapter 21A.14 when located in an RA zone.
- 4332           32. Limited to repair of sports and recreation equipment:
- 4333           a. as accessory to a recreation or multiuse park in the urban growth area; or  
4334           b. as accessory to a park and limited to a total floor area of seven hundred fifty  
4335 square feet.
- 4336           33. Repealed.
- 4337           34. Subject to the following:
- 4338           a. the lot is at least five acres;
- 4339           b. in the A zones, area used for dog training shall be located on portions of  
4340 agricultural lands that are unsuitable for other agricultural purposes, such as areas within the  
4341 already developed portion of such agricultural lands that are not available for direct  
4342 agricultural production or areas without prime agricultural soils;
- 4343           c. structures and areas used for dog training shall maintain a minimum distance of  
4344 seventy-five feet from property lines; and

4345                   d. all training activities shall be conducted within fenced areas or in indoor  
4346 facilities. Fences must be sufficient to contain the dogs.

4347                   35. Limited to animal rescue shelters and provided that:

4348                   a. the property shall be at least four acres;

4349                   b. buildings used to house rescued animals shall be no less than fifty feet from  
4350 property lines;

4351                   c. outdoor animal enclosure areas shall be located no less than thirty feet from  
4352 property lines and shall be fenced in a manner sufficient to contain the animals;

4353                   d. the facility shall be operated by a nonprofit organization registered under the  
4354 Internal Revenue Code as a 501(c)(3) organization; and

4355                   e. the facility shall maintain normal hours of operation no earlier than 7 a.m. and  
4356 no later than 7 p.m.

4357                   36. Limited to kennel-free dog boarding and daycare facilities, and:

4358                   a. the property shall be at least four and one-half acres;

4359                   b. buildings housing dogs shall be no less than seventy-five feet from property  
4360 lines;

4361                   c. outdoor exercise areas shall be located no less than thirty feet from property  
4362 lines and shall be fenced in a manner sufficient to contain the dogs;

4363                   d. the number of dogs allowed on the property at any one time shall be limited to  
4364 the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and

4365                   e. training and grooming are ancillary services that may be provided only to dogs  
4366 staying at the facility; and

4367 f. the facility shall maintain normal hours of operation no earlier than 7 a.m. and  
4368 no later than 7 p.m.

4369 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.  
4370 21A.12.250.

4371 38. Driver training is limited to driver training schools licensed under chapter  
4372 46.82 RCW.

4373 39. A school may be located outside of the urban growth area only if allowed  
4374 under King County Comprehensive Plan policies.

4375 40. Only as a reuse of an existing public school.

4376 41. A high school may be allowed as a reuse of an existing public school if  
4377 allowed under King County Comprehensive Plan policies.

4378 42. Commercial kennels and commercial catteries in the A zone are subject to the  
4379 following:

4380 a. Only as a home occupation, but the square footage limitations in K.C.C.  
4381 chapter 21A.30.085 for home occupations apply only to the office space for the commercial  
4382 kennel or commercial cattery; and

4383 b. Subject to K.C.C. 21A.30.020, except:

4384 (1) A building or structure used for housing dogs or cats and any outdoor runs  
4385 shall be set back one hundred and fifty feet from property lines;

4386 (2) The portion of the building or structure in which the dogs or cats are kept  
4387 shall be soundproofed;

4388 (3) Impervious surface for the kennel or cattery shall not exceed twelve thousand  
4389 square feet; and

4390 (4) Obedience training classes are not allowed except as provided in subsection  
 4391 B.34. of this section.

4392 43. Commercial kennels and commercial catteries are subject to K.C.C.  
 4393 21A.30.020.

4394 44. If the miscellaneous repair is associated with agriculture activities it will be  
 4395 reviewed in accordance with K.C.C. 21A.08.090.

4396 SECTION 105. Ordinance 10870, Section 333, as amended, and K.C.C.  
 4397 21A.08.060 are hereby amended to read as follows:

4398 A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RUR AL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (30)
	<b>GOVERNMENT SERVICES:</b>												
*	Public agency or utility office				P3 C5	P3 C5 C	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility (41)	P29 C2 8	P29 C2 8	P29 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P



*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	<b>BUSINESS SERVICES:</b>												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing( <del>(-1)</del> ) and Wholesale Trade <u>(1)</u>												P
*	Self-service Storage							<del>(P14)</del>	P37	P	P	P	P
4221	Farm Product												P
4222	Warehousing, Refrigeration, and Storage (38)												
*	Log Storage (38)		P		P26 and 33								P
47	Transportation Service												P39
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16

7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20a	P20b	P21	P20 a	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development, and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	<b>ACCESSORY USES:</b>												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop				40	C23	C23	C23	C23	C23	C24	C23	C24

4399

B. Development conditions.

4400

1. Except self-service storage.

4401

2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and

4402

Educational Research, see general business service/office.

4403

3.a. Only as a reuse of a public school facility or a surplus nonresidential facility

4404

subject to K.C.C. chapter 21A.32; or

4405

b. only when accessory to a fire facility and the office is no greater than one

4406

thousand five hundred square feet of floor area.

4407 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
4408 21A.32.

4409 5. New utility office locations only if there is no commercial/industrial zoning  
4410 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that  
4411 no feasible alternative location is possible(~~(, and provided further that)~~). ((†))This  
4412 condition also applies to the UR zone only if the property is located within a designated  
4413 unincorporated Rural Town.

4414 6.a. All buildings and structures shall maintain a minimum distance of twenty  
4415 feet from property lines adjoining rural area and residential zones;

4416 b. Any buildings from which fire-fighting equipment emerges onto a street  
4417 shall maintain a distance of thirty-five feet from such street;

4418 c. No outdoor storage; and

4419 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no  
4420 feasible alternative location is possible.

4421 7. Limited to storefront police offices. Such offices shall not have:

4422 a. holding cells;

4423 b. suspect interview rooms (except in the NB zone); or

4424 c. long-term storage of stolen properties.

4425 8. Private stormwater management facilities serving development proposals  
4426 located on commercial/industrial zoned lands shall also be located on  
4427 commercial/industrial lands, unless participating in an approved shared facility drainage  
4428 plan. Such facilities serving development within an area designated urban in the King  
4429 County Comprehensive Plan shall only be located in the urban area.

- 4430 9. No outdoor storage of materials.
- 4431 10. Limited to office uses.
- 4432 11. Limited to self-service household moving truck or trailer rental accessory to  
4433 a gasoline service station.
- 4434 12. Limited to self-service household moving truck or trailer rental accessory to  
4435 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
- 4436 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
- 4437 14. ~~((Accessory to an apartment development of at least twelve units provided:~~
- 4438 ~~a. The gross floor area in self service storage shall not exceed the total gross~~
- 4439 ~~floor area of the apartment dwellings on the site;~~
- 4440 ~~b. All outdoor lights shall be deflected, shaded and focused away from all~~
- 4441 ~~adjoining property;~~
- 4442 ~~c. The use of the facility shall be limited to dead storage of household goods;~~
- 4443 ~~d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or~~
- 4444 ~~similar equipment;~~
- 4445 ~~e. No outdoor storage or storage of flammable liquids, highly combustible or~~
- 4446 ~~explosive materials or hazardous chemicals;~~
- 4447 ~~f. No residential occupancy of the storage units;~~
- 4448 ~~g. No business activity other than the rental of storage units; and~~
- 4449 ~~h. A resident director shall be required on the site and shall be responsible for~~
- 4450 ~~maintaining the operation of the facility in conformance with the conditions of approval.~~
- 4451 ~~i. Before filing an application with the department, the applicant shall hold a~~
- 4452 ~~community meeting in accordance with K.C.C. 20.20.035.)) Repealed.~~

- 4453 15. Repealed.
- 4454 16. Only as an accessory use to another permitted use.
- 4455 17. No outdoor storage.
- 4456 18. Only as an accessory use to a public agency or utility yard, or to a transfer  
4457 station.
- 4458 19. Limited to new commuter parking lots designed for thirty or fewer parking  
4459 spaces or commuter parking lots located on existing parking lots for ~~((churches))~~  
4460 religious facilities, schools, or other permitted nonresidential uses that have excess  
4461 capacity available during commuting(~~(; provided that)~~), but only if the new or existing lot  
4462 is adjacent to a designated arterial that has been improved to a standard acceptable to the  
4463 department of local services;
- 4464 20.a. No tow-in lots for damaged, abandoned<sub>2</sub> or otherwise impounded vehicles,  
4465 and
- 4466 b. Tow-in lots for damaged, abandoned<sub>2</sub> or otherwise impounded vehicles shall  
4467 be:
- 4468 (1) permitted only on parcels located within Vashon Town Center;  
4469 (2) accessory to a gas or automotive service use; and  
4470 (3) limited to no more than ten vehicles.
- 4471 21. No dismantling or salvage of damaged, abandoned or otherwise impounded  
4472 vehicles.
- 4473 22. Storage limited to accessory storage of commodities sold at retail on the  
4474 premises or materials used in the fabrication of commodities sold on the premises.

- 4475           23. Limited to emergency medical evacuation sites in conjunction with police,  
4476 fire, or health service facility. Helistops are prohibited from the UR zone only if the  
4477 property is located within a designated unincorporated Rural Town.
- 4478           24. Allowed as accessory to an allowed use.
- 4479           25. Limited to private road ambulance services with no outside storage of  
4480 vehicles.
- 4481           26. Limited to two acres or less.
- 4482           27a. Utility yards only on sites with utility district offices; or  
4483           b. Public agency yards are limited to material storage for road maintenance  
4484 facilities.
- 4485           28. Limited to local distribution gas storage tanks that pipe to individual  
4486 residences but excluding liquefied natural gas storage tanks.
- 4487           29. Excluding local distribution gas storage tanks.
- 4488           30. For I-zoned sites located outside the urban growth area designated by the  
4489 King County Comprehensive Plan, uses shall be subject to the provisions for rural  
4490 industrial uses in K.C.C. (~~chapter 21A.12~~) 21A.14.280.
- 4491           31. Vector waste treatment, storage, and disposal shall be limited to liquid  
4492 materials. Materials shall be disposed of directly into a sewer system, or shall be stored  
4493 in tanks (or other covered structures), as well as enclosed buildings.
- 4494           32. ~~(Provided)~~ Only if:
- 4495           a. Off-street required parking for a land use located in the urban area must be  
4496 located in the urban area;

4497           b. Off-street required parking for a land use located in the rural area must be  
4498 located in the rural area; and

4499           c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street  
4500 required parking must be located on a lot that would permit, either outright or through a  
4501 land use permit approval process, the land use the off-street parking will serve.

4502           (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to  
4503 be located on a site in the NB zone, off-street required parking may be located on a site  
4504 within three hundred feet of the social service agency, regardless of zoning classification  
4505 of the site on which the parking is located.

4506           33. Subject to review and approval of conditions to comply with trail corridor  
4507 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

4508           34. Limited to landscape and horticultural services (SIC 078) that are accessory  
4509 to a retail nursery, garden center and farm supply store. Construction equipment for the  
4510 accessory use shall not be stored on the premises.

4511           35. Allowed as a primary or accessory use to an allowed industrial-zoned land  
4512 use.

4513           36. Repealed.

4514           37. Use shall be limited to the NB zone on parcels outside of the ~~((U))~~urban  
4515 ~~((G))~~growth ~~((A))~~area, Rural Towns, and Rural Neighborhood~~((s))~~ Commercial Centers  
4516 and the building floor area devoted to such use shall not exceed ten thousand square feet.

4517           38. If the farm product warehousing, refrigeration and storage, or log storage, is  
4518 associated with agriculture activities it will be reviewed in accordance with K.C.C.  
4519 21A.08.090.

4520 39. Excluding fossil fuel facilities.

4521 40. Helistops are not allowed in the RA zone as an accessory to a government or

4522 business services use, but may be allowed in that zone as part of a search and rescue facility,

4523 subject to K.C.C. 21A.08.100.B.30.

4524 41. As part of an application for an addition, expansion, or upgrade of electric

4525 transmission and distribution lines or the siting new gas or hazardous liquid transmission

4526 pipelines, the applicant shall submit an equity impact review of the proposal using tools

4527 developed by the office of equity and racial and social justice. The results from the equity

4528 impact review shall be used to assess equity impacts and opportunities during county permit

4529 review and may be used to inform determinations of project approval.

4530 SECTION 106. Ordinance 10870, Section 334, as amended, and K.C.C.

4531 21A.08.070 are hereby amended to read as follows:

4532 A. Retail land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I <del>((30))</del>
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center, and Farm Supply Stores	P1 C1			P1 C1				P31	P	P		



*	Forest Products Sales	P3 and 4	P4		P3 and 4					P		
*	Department and Variety Stores					C14a	P14	P5	P	P		
54	Food Stores				<u>C30</u>	C15a	P15	<u>P31</u>	P	P	C	P6
*	Agricultural Product Sales (28)						P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers									P8		P
553	Auto Supply Stores								P9	P9		P
554	Gasoline Service Stations							P	P	P		P
56	Apparel and Accessory Stores								P	P		
*	Furniture and Home Furnishings Stores								P	P		
58	Eating and Drinking Places				P21 C19	P20 C16	P20 P16	P10	P	P	P	P
*	Remote Tasting Room				P13				P7	P7		
*	Drug Stores					C15	P15	<u>P31</u>	P	P	C	

*	(( <del>Marijuana</del> ) Cannabis retailer									P26 C27	P26 C27		
592	Liquor Stores									P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P22 and 29	P29	P29	P22 and 29	P22 and 29
*	Book, Stationery, Video, and Art Supply Stores							C15a	P15	P	P	P	
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops									P	P	P	
*	Photographic and Electronic Shops									P	P	P	
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops							C15a	P15	P	P	P	P
*	Personal Medical Supply Stores										P	P	
*	Pet Shops									P31	P	P	
*	Bulk Retail										P	P	

*	Auction Houses										P12		P
*	Livestock Sales (28)												P

4533

B. Development conditions.

4534

1.a. As a permitted use, covered sales areas shall not exceed a total area of two

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thousand square feet, unless located in a building designated as historic resource under

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K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three

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thousand five hundred square feet may be allowed. Greenhouses used for the display of

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merchandise other than plants shall be considered part of the covered sales area. Uncovered

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outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of

4540

the covered sales area;

4541

b. The site area shall be at least four and one-half acres;

4542

c. Sales may include locally made arts and crafts; and

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d. Outside lighting is permitted if no off-site glare is allowed.

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2.a. Only hardware stores; and

4545

b. In rural neighborhood commercial centers, limited to ten thousand square feet

4546

of gross floor area.

4547

3.a. Limited to products grown on site.

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b. Covered sales areas shall not exceed a total area of five hundred square feet.

4549

4. No permanent structures or signs.

4550

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a

4551

maximum of two thousand square feet of gross floor area.

4552

6. Limited to a maximum of five thousand square feet of gross floor area.

- 4553           7. Off-street parking is limited to a maximum of one space per fifty square feet of  
4554 tasting and retail areas.
- 4555           8. Excluding retail sale of trucks exceeding one-ton capacity.
- 4556           9. Only the sale of new or reconditioned automobile supplies is permitted.
- 4557           10. Excluding SIC Industry No. 5813-Drinking Places.
- 4558           11. No outside storage of fuel trucks and equipment.
- 4559           12. Excluding vehicle and livestock auctions.
- 4560           13. Permitted as part of the demonstration project authorized by K.C.C.
- 4561 21A.55.110.
- 4562           14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a  
4563 maximum of five thousand square feet of gross floor area, and subject to K.C.C.  
4564 21A.12.230; and
- 4565           b. Before filing an application with the department, the applicant shall hold a  
4566 community meeting in accordance with K.C.C. 20.20.035.
- 4567           15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet  
4568 of gross floor area and subject to K.C.C. 21A.12.230; and
- 4569           b. Before filing an application with the department, the applicant shall hold a  
4570 community meeting in accordance with K.C.C. 20.20.035.
- 4571           16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places,  
4572 and limited to a maximum of five thousand square feet of gross floor area and subject to  
4573 K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
- 4574           b. Before filing an application with the department, the applicant shall hold a  
4575 community meeting in accordance with K.C.C. 20.20.035.

- 4576 17. Repealed.
- 4577 18. Repealed.
- 4578 19. Only as:
- 4579 a. an accessory use to a permitted manufacturing or retail land use, limited to
- 4580 espresso stands to include sales of beverages and incidental food items, and not to include
- 4581 drive-through sales; or
- 4582 b. an accessory use to a recreation or multiuse park, limited to a total floor area of
- 4583 three thousand five hundred square feet.
- 4584 20. Only as:
- 4585 a. an accessory use to a recreation or multiuse park; or
- 4586 b. an accessory use to a park and limited to a total floor area of one thousand five
- 4587 hundred square feet.
- 4588 21. Accessory to a park, limited to a total floor area of seven hundred fifty square
- 4589 feet.
- 4590 22. Only as an accessory use to:
- 4591 a. a large active recreation and multiuse park in the urban growth area; or
- 4592 b. a park, or a recreation or multiuse park in the RA zones, and limited to a total
- 4593 floor area of seven hundred ~~((and))~~ fifty square feet.
- 4594 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC Industry
- 4595 No. 2431-Millwork and;
- 4596 a. limited to lumber milled on site; and
- 4597 b. the covered sales area is limited to two thousand square feet. The covered
- 4598 sales area does not include covered areas used to display only milled lumber.

4599           24. Requires at least five farmers selling their own products at each market and the  
4600 annual value of sales by farmers should exceed the annual sales value of nonfarmer vendors.

4601           25. Limited to sites located within the urban growth area and:

4602           a. The sales area shall be limited to three hundred square feet and must be  
4603 removed each evening;

4604           b. There must be legal parking that is easily available for customers; and

4605           c. The site must be in an area that is easily accessible to the public, will  
4606 accommodate multiple shoppers at one time and does not infringe on neighboring  
4607 properties.

4608           26.a. Per lot, limited to a maximum aggregated total of two thousand square feet of  
4609 gross floor area devoted to, and in support of, the retail sale of ~~((marijuana))~~ cannabis.

4610           b. Notwithstanding subsection B.26.a. of this section, the maximum aggregated  
4611 total gross floor area devoted to, and in support of, the retail sale of ~~((marijuana))~~ cannabis  
4612 may be increased to up to three thousand square feet if the retail outlet devotes at least five  
4613 hundred square feet to the sale, and the support of the sale, of medical ~~((marijuana))~~  
4614 cannabis, and the operator maintains a current medical ~~((marijuana))~~ cannabis endorsement  
4615 issued by the Washington state Liquor and Cannabis Board.

4616           c. Any lot line of a lot having any area devoted to retail ~~((marijuana))~~ cannabis  
4617 activity must be one thousand feet or more from any lot line of any other lot having any area  
4618 devoted to retail ~~((marijuana))~~ cannabis activity; and a lot line of a lot having any area  
4619 devoted to new retail ~~((marijuana))~~ cannabis activity may not be within one thousand feet of  
4620 any lot line of any lot having any area devoted to existing retail ~~((marijuana))~~ cannabis  
4621 activity.

4622 d. Whether a new retail ((~~marijuana~~)) cannabis activity complies with this  
4623 locational requirement shall be determined based on the date a conditional use permit  
4624 application submitted to the department of local services, permitting division, became or  
4625 was deemed complete, and:

4626 (1) if a complete conditional use permit application for the proposed retail  
4627 ((~~marijuana~~)) cannabis use was not submitted, or if more than one conditional use permit  
4628 application became or was deemed complete on the same date, then the director shall  
4629 determine compliance based on the date the Washington state Liquor and Cannabis Board  
4630 issues a Notice of ((~~Marijuana~~)) Cannabis Application to King County;

4631 (2) if the Washington state Liquor and Cannabis Board issues more than one  
4632 Notice of ((~~Marijuana~~)) Cannabis Application on the same date, then the director shall  
4633 determine compliance based on the date either any complete building permit or change of  
4634 use permit application, or both, were submitted to the department declaring retail  
4635 ((~~marijuana~~)) cannabis activity as an intended use;

4636 (3) if more than one building permit or change of use permit application was  
4637 submitted on the same date, or if no building permit or change of use permit application was  
4638 submitted, then the director shall determine compliance based on the date a complete  
4639 business license application was submitted; and

4640 (4) if a business license application was not submitted or more than one business  
4641 license application was submitted, then the director shall determine compliance based on the  
4642 totality of the circumstances, including, but not limited to, the date that a retail ((~~marijuana~~))  
4643 cannabis license application was submitted to the Washington state Liquor and Cannabis  
4644 Board identifying the lot at issue, the date that the applicant entered into a lease or purchased

4645 the lot at issue for the purpose of retail ((~~marijuana~~)) cannabis use, and any other facts  
4646 illustrating the timing of substantial investment in establishing a licensed retail ((~~marijuana~~))  
4647 cannabis use at the proposed location.

4648 e. Retail ((~~marijuana~~)) cannabis businesses licensed by the Washington state  
4649 Liquor and Cannabis Board and operating within one thousand feet of each other as of  
4650 August 14, 2016, and retail ((~~marijuana~~)) cannabis businesses that do not require a permit  
4651 issued by King County, that received a Washington state Liquor and Cannabis Board license  
4652 to operate in a location within one thousand feet of another licensed retail ((~~marijuana~~))  
4653 cannabis business ((~~prior to~~)) before August 14, 2016, and that King County did not object  
4654 to within the Washington state Liquor and Cannabis Board ((~~marijuana~~)) cannabis license  
4655 application process, shall be considered nonconforming and may remain in ((~~their~~)) the  
4656 businesses' current locations, subject to the provisions of K.C.C. 21A.32.020 through  
4657 21A.32.075 for nonconforming uses, except:

4658 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and  
4659 (2) the gross floor area of a nonconforming retail outlet may be increased up to  
4660 the limitations in subsection B.26.a. and B.26.b. of this section.

4661 27. Per lot, limited to a maximum aggregated total of five thousand square feet  
4662 gross floor area devoted to, and in support of, the retail sale of ((~~marijuana~~)) cannabis,  
4663 and((~~;~~));

4664 a. Any lot line of a lot having any area devoted to retail ((~~marijuana~~)) cannabis  
4665 activity must be one thousand feet or more from any lot line of any other lot having any area  
4666 devoted to retail ((~~marijuana~~)) cannabis activity; and any lot line of a lot having any area  
4667 devoted to new retail ((~~marijuana~~)) cannabis activity may not be within one thousand feet of



4668 any lot line of any lot having any area devoted to existing retail ((~~marijuana~~)) cannabis  
4669 activity; ((~~and~~))

4670 b. Whether a new retail ((~~marijuana~~)) cannabis activity complies with this  
4671 locational requirement shall be determined based on the date a conditional use permit  
4672 application submitted to the department of local services, permitting division, became or  
4673 was deemed complete, and:

4674 (1) if a complete conditional use permit application for the proposed retail  
4675 ((~~marijuana~~)) cannabis use was not submitted, or if more than one conditional use permit  
4676 application became or was deemed complete on the same date, then the director shall  
4677 determine compliance based on the date the Washington state Liquor and Cannabis Board  
4678 issues a Notice of ((~~Marijuana~~)) Cannabis Application to King County;

4679 (2) if the Washington state Liquor and Cannabis Board issues more than one  
4680 Notice of ((~~Marijuana~~)) Cannabis Application on the same date, then the director shall  
4681 determine compliance based on the date either any complete building permit or change of  
4682 use permit application, or both, were submitted to the department declaring retail  
4683 ((~~marijuana~~)) cannabis activity as an intended use;

4684 (3) if more than one building permit or change of use permit application was  
4685 submitted on the same date, or if no building permit or change of use permit application was  
4686 submitted, then the director shall determine compliance based on the date a complete  
4687 business license application was submitted; and

4688 (4) if a business license application was not submitted or more than one business  
4689 license application was submitted, then the director shall determine compliance based on the  
4690 totality of the circumstances, including, but not limited to, the date that a retail ((~~marijuana~~))

4691 cannabis license application was submitted to the Washington state Liquor and Cannabis  
4692 Board identifying the lot at issue, the date that the applicant entered into a lease or purchased  
4693 the lot at issue for the purpose of retail (~~((marijuana))~~) cannabis use, and any other facts  
4694 illustrating the timing of substantial investment in establishing a licensed retail (~~((marijuana))~~)  
4695 cannabis use at the proposed location; and

4696 c. Retail (~~((marijuana))~~) cannabis businesses licensed by the Washington state  
4697 Liquor and Cannabis Board and operating within one thousand feet of each other as of  
4698 August 14, 2016, and retail (~~((marijuana))~~) cannabis businesses that do not require a permit  
4699 issued by King County, that received a Washington state Liquor and Cannabis Board license  
4700 to operate in a location within one thousand feet of another licensed retail (~~((marijuana))~~)  
4701 cannabis business (~~((prior to))~~) before August 14, 2016, and that King County did not object  
4702 to within the Washington state Liquor and Cannabis Board (~~((marijuana))~~) cannabis license  
4703 application process, shall be considered nonconforming and may remain in (~~((their))~~) the  
4704 business' current location, subject to the provisions of K.C.C. 21A.32.020 through  
4705 21A.32.075 for nonconforming uses, except:

4706 (1) the time periods identified in K.C.C. 21A.32.045.C. shall be six months; and

4707 (2) the gross floor area of a nonconforming retail outlet may be increased up to

4708 the limitations in subsection B.27. of this section, subject to K.C.C. 21A.42.190.

4709 28. If the agricultural product sales or livestock sales is associated with agricultural  
4710 activities it will be reviewed in accordance with K.C.C. 21A.08.090.

4711 29. Businesses selling firearms that have a storefront, have hours during which it is  
4712 open for business, and post advertisements or signs observable to passersby that firearms are  
4713 available for sale shall be located at least five hundred feet or more from any elementary,

4714 middle/junior high and secondary or high school properties. Businesses selling firearms in  
 4715 existence before June 30, 2020, shall be considered nonconforming and may remain in their  
 4716 current location, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for  
 4717 nonconforming uses.

4718 30. Only within a former grange hall incorporated under chapter 24.28 RCW and  
 4719 listed in the National Register of Historic Places or designated as a King County landmark  
 4720 subject to K.C.C. chapter 21A.32 and if the parcel is located within one thousand feet of a  
 4721 Rural Neighborhood Commercial Center as designated by the King County Comprehensive  
 4722 Plan.

4723 31. In rural neighborhood commercial centers, limited to ten thousand square feet  
 4724 of gross floor area.

4725 SECTION 107. Ordinance 10870, Section 335, as amended, and K.C.C.  
 4726 21A.08.080 are hereby amended to read as follows:

4727 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2		P2 C
*	Winery/Brewery /Distillery Facility I				P32								
*	Winery/Brewery /Distillery Facility II	P3			P3 C30				P17	P17	P29		P31
	Winery/Brewery /Distillery Facility III	C12			C12				C29	C29	C29		C31

*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products									C			P
24	Wood Products, except furniture	P4 P18	P4 P18 ((€\$))		P4 P18 C((€\$))	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing							P7	P7	P7C	P7C		P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		<u>P33</u> <u>C</u>
32	Stone, Clay, Glass, and Concrete Products								P6	P9			P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C

357	Computer and Office Equipment										C	C	P
36	Electronic and other Electric Equipment										C		P
<u>371</u>	<u>Motor Vehicles and Motor Vehicle Equipment</u>												<u>C</u>
374	Railroad Equipment												C
<u>375</u>	<u>Motorcycles, Bicycles, and Parts</u>												<u>P34</u> <u>C</u>
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
(( <del>3</del>	<del>Motor Vehicle and Bicycle Manufacturing</del>												€))
*	Aircraft, Ship, and Boat Building												P10 C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

4728

B. Development conditions.

4729

1. Repealed.

4730

2. Except slaughterhouses.

4731

3.a. In the A zone, only allowed on sites where the primary use is SIC Industry

4732

Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small

4733

Animals;

4734           b. Only allowed on lots of at least two and one-half acres, except that this  
4735 requirement shall not apply on Vashon-Maury Island to winery, brewery, or distillery  
4736 business locations in use and licensed to produce by the Washington state Liquor and  
4737 Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a  
4738 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots of  
4739 at least two acres;

4740           c. The aggregated floor area of structures and areas for winery, brewery, distillery  
4741 facility uses shall not exceed three thousand five hundred square feet, unless located in  
4742 whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in  
4743 which case the aggregated floor area of structures and areas devoted to winery, brewery,  
4744 distillery facility uses shall not exceed seven thousand square feet in the RA zone and five  
4745 thousand square feet in the A zone. Decks that are not occupied and not open to the public  
4746 are excluded from the calculation for maximum aggregated floor area;

4747           d. Structures and parking areas for winery, brewery, distillery facility uses shall  
4748 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
4749 rural area and residential zones, unless located in a building designated as historic resource  
4750 under K.C.C. chapter 20.62, except that on Vashon-Maury Island this setback requirement  
4751 shall not apply to structures and parking areas in use on December 4, 2019, by existing  
4752 winery, brewery or distillery business locations licensed to produce by the Washington state  
4753 Liquor and Cannabis Board before January 1, 2019;

4754           e. In the A zone, sixty percent or more of the products processed must be grown  
4755 on-site. At the time of the initial application under K.C.C. chapter 6.74, the applicant shall  
4756 submit a projection of the source of products to be produced;

4757 f. At least two stages of production of wine, beer, cider, or distilled spirits, such  
4758 as crushing, fermenting, distilling, barrel, or tank aging, or finishing, as authorized by the  
4759 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
4760 least one of the stages of production occurring on-site shall include crushing, fermenting, or  
4761 distilling;

4762 g. In the A zone, structures and area for non-agricultural winery, brewery,  
4763 distillery facility uses shall be located on portions of agricultural lands that are unsuitable for  
4764 agricultural purposes, such as areas within the already developed portion of such agricultural  
4765 lands that are not available for direct agricultural production, or areas without prime  
4766 agricultural soils. No more than one acre of agricultural land may be converted to a  
4767 nonagricultural accessory use;

4768 h. Tasting and retail sales of products produced on-site may occur only as  
4769 accessory to the primary winery, brewery, distillery production use and may be provided in  
4770 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited  
4771 to no more than thirty percent of the aggregated floor area and shall be included in the  
4772 aggregated floor area limitation in subsection B.3.c. of this section. The limitation on  
4773 tasting and retail sales of products produced on-site shall not apply on Vashon-Maury Island  
4774 to winery, brewery, or distillery business locations in use and licensed to produce by the  
4775 Washington state Liquor and Cannabis Board before January 1, 2019, or on sites in the RA  
4776 zone that contain a building designated as historic resource under K.C.C. chapter 20.62.  
4777 Incidental retail sales of merchandise related to the products produced on-site is allowed  
4778 subject to the restrictions described in this subsection B.3. Hours of operation for on-site  
4779 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays, and

4780 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,  
4781 Saturdays, and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00  
4782 p.m.;

4783 i. Access to the site shall be directly to and from an arterial roadway, except that  
4784 this requirement shall not apply on Vashon-Maury Island to winery, brewery, distillery  
4785 facility business locations in use and licensed to produce by the Washington state Liquor  
4786 and Cannabis Board before January 1, 2019;

4787 j. Off-street parking is limited to a maximum of one hundred fifty percent of the  
4788 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

4789 k. The business operator shall obtain an adult beverage business license in  
4790 accordance with K.C.C. chapter 6.74;

4791 l. Events may be allowed with an approved temporary use permit under K.C.C.  
4792 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

4793 m. The impervious surface associated with the winery, brewery, distillery facility  
4794 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for  
4795 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

4796 4. Limited to rough milling and planing of products grown on-site with portable  
4797 equipment.

4798 5. ~~((Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-~~  
4799 ~~Millwork. For RA zoned sites, if using lumber or timber grown off site, the minimum site~~  
4800 ~~area is four and one-half acres.)) Repealed.~~

4801 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and  
4802 No. 2431-Millwork, (excluding planing mills).



4803 7. Limited to photocopying and printing services offered to the general public.  
4804 8. Only within enclosed buildings, and as an accessory use to retail sales.  
4805 9. Only within enclosed buildings.  
4806 10. Limited to boat building of craft not exceeding forty-eight feet in length.  
4807 11. For I-zoned sites located outside the urban growth area designated by the King  
4808 County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.  
4809 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for  
4810 rural industrial uses ((as set forth)) in K.C.C. ((chapter 21A.12)) 21A.14.280.  
4811 12.a. In the A zone, only allowed on sites where the primary use is SIC Industry  
4812 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small  
4813 Animals;  
4814 b. The aggregated floor area of structures and areas for winery, brewery, distillery  
4815 facility uses shall not exceed a total of eight thousand square feet. Decks that are not  
4816 occupied and not open to the public are excluded from the calculation for maximum  
4817 aggregated floor area;  
4818 c. Only allowed on lots of at least four and one-half acres. If the aggregated floor  
4819 area of structures for winery, brewery, distillery uses exceeds six thousand square feet, the  
4820 minimum site area shall be ten acres;  
4821 d. Wineries, breweries, and distilleries shall comply with Washington state  
4822 Department of Ecology and King County board of health regulations for water usage and  
4823 wastewater disposal, and must connect to an existing Group A water system. The  
4824 definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and  
4825 provision of water service is described in K.C.C. 13.24.138, 13.24.140, and 13.24.142;

4826 e. Structures and parking areas for winery, brewery, distillery facility uses shall  
4827 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
4828 rural area and residential zones, unless located in a building designated as historic resource  
4829 under K.C.C. chapter 20.62;

4830 f. In the A Zone, sixty percent or more of the products processed must be grown  
4831 on-site. At the time of the initial application under K.C.C. chapter 6.74, the applicant shall  
4832 submit a projection of the source of products to be processed;

4833 g. At least two stages of production of wine, beer, cider, or distilled spirits, such  
4834 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
4835 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
4836 least one of the stages of on-site production shall include crushing, fermenting, or distilling;

4837 h. In the A zone, structures and areas for non-agricultural winery, brewery,  
4838 distillery facility uses shall be located on portions of agricultural lands that are unsuitable for  
4839 agricultural purposes, such as areas within the already developed portion of such agricultural  
4840 lands that are not available for direct agricultural production, or areas without prime  
4841 agricultural soils. No more than one acre of agricultural land may be converted to a  
4842 nonagricultural accessory use;

4843 i. Tasting and retail sales of products produced on-site may occur only as  
4844 accessory to the primary winery, brewery, distillery production use and may be provided in  
4845 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited  
4846 to no more than thirty percent of the aggregated floor area and shall be included in the  
4847 aggregated floor area limitation in subsection B.12.b. and c. of this section. Incidental retail  
4848 sales of merchandise related to the products produced on-site is allowed subject to the

4849 restrictions described in this subsection. Hours of operation for on-site tasting of products  
4850 shall be limited as follows: Mondays, Tuesdays, Wednesdays, and Thursdays, tasting room  
4851 hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays, and Sundays,  
4852 tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

4853 j. Access to the site shall be directly to and from an arterial roadway;

4854 k. Off-street parking maximums shall be determined through the conditional use  
4855 permit process, and should not be more than one hundred fifty percent of the minimum  
4856 required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

4857 l. The business operator shall obtain an adult beverage business license in  
4858 accordance with K.C.C. chapter 6.74;

4859 m. Events may be allowed with an approved temporary use permit under K.C.C.  
4860 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

4861 n. The impervious surface associated with the winery, brewery, distillery facility  
4862 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for  
4863 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

4864 13. Only on the same lot or same group of lots under common ownership or  
4865 documented legal control, which includes, but is not limited to, fee simple ownership, a  
4866 long-term lease, or an easement, and:

4867 a. does not include retail sales of processed materials, and

4868 b.(1) as accessory to a primary forestry use and at a scale appropriate to process  
4869 the organic waste generated on the site; or

4870            (~~(b-)~~) (2) as a continuation of a sawmill or lumber manufacturing use only for that  
4871 period to complete delivery of products or projects under contract at the end of the sawmill  
4872 or lumber manufacturing activity.

4873            14. Only on the same lot or same group of lots under common ownership or  
4874 documented legal control, which includes, but is not limited to, fee simple ownership, a  
4875 long-term lease, or an easement, and:

4876            a. does not include retail sales of processed materials, and

4877            b. (1) as accessory to a primary mineral use and may only process materials  
4878 generated from on-site or properties within three miles of the site; or

4879            (~~(b-)~~) (2) as a continuation of a mineral processing use only for that period to  
4880 complete delivery of products or projects under contract at the end of mineral extraction.

4881            15. Continuation of a materials processing facility after reclamation in accordance  
4882 with an approved reclamation plan.

4883            16. Only a site that is ten acres or greater and (~~(that)~~) in accordance with the  
4884 following:

4885            a. the site does not use local access streets that abut lots developed for residential  
4886 use;

4887            b. the materials processing use meets the requirements of K.C.C. 21A.12.220 and  
4888 K.C.C. chapter 21A.16;

4889            c. the materials processing use obtains and maintains an operational grading  
4890 permit;

4891            d. storage of fill material, as defined in K.C.C. chapter 16.82, does not exceed  
4892 three thousand cubic yards;

4893 e. processed fill material, as defined in K.C.C. chapter 16.82, are primarily from  
4894 the Rural Area and Natural Resource Lands; and

4895 f. Does not include retail sales of processed materials.

4896 17.a. The aggregated floor area of structures and areas for winery, brewery,  
4897 distillery facility uses shall not exceed three thousand five hundred square feet, unless  
4898 located in whole or in part in a structure designated as historic resource under K.C.C.  
4899 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to  
4900 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks  
4901 that are not occupied and not open to the public are excluded from the calculation for  
4902 maximum aggregated floor area;

4903 b. Structures and parking areas for winery, brewery, distillery facility uses shall  
4904 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
4905 rural area and residential zones, unless located in a building designated as historic resource  
4906 under K.C.C. chapter 20.62;

4907 c. Tasting and retail sale of products produced on-site, and merchandise related to  
4908 the products produced on-site, may be provided in accordance with state law. The area  
4909 devoted to on-site tasting or retail sales shall be included in the aggregated floor area  
4910 limitation in subsection B.17.a. of this section;

4911 d. Off-street parking for the tasting and retail areas shall be limited to a maximum  
4912 of one space per fifty square feet of tasting and retail areas;

4913 e. The business operator shall obtain an adult beverage business license in  
4914 accordance with K.C.C. chapter 6.74; and

4915 f. Events may be allowed with an approved temporary use permit under K.C.C.  
4916 chapter 21A.32.

4917 18. Limited to:

4918 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-Millwork,  
4919 as follows:

4920 (1) If using lumber or timber grown off-site, the minimum site area is four and  
4921 one-half acres; and

4922 (2) In the A and RA zones:

4923 (a) The facility shall be limited to an annual production of no more than one  
4924 hundred fifty thousand board feet;

4925 ~~((3))~~ (b) Structures housing equipment used in the operation shall be located at  
4926 least one-hundred feet from adjacent properties with residential or rural area zoning;

4927 ~~((4))~~ (c) Deliveries and customer visits shall be limited to ~~((the hours of))~~ 8:00  
4928 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

4929 ~~((5))~~ (d) In the RA zone, the facility's driveway shall have adequate entering  
4930 sight distance required by the 2007 King County Road Design and Construction Standards.

4931 An adequate turn around shall be provided on-site to prevent vehicles from backing out on  
4932 to the roadway that the driveway accesses; and

4933 ~~((6))~~ (e) Outside lighting is limited to avoid off-site glare; and

4934 b. SIC Industry No. 2411-Logging.

4935 19. Limited to manufacture of custom made wood furniture or cabinets.

4936 20.a. Only allowed on lots of at least four and one-half acres;

4937                    b. Only as an accessory use to a Washington state Liquor (~~Control~~) and  
4938 Cannabis Board licensed (~~marijuana~~) cannabis production facility on the same lot;  
4939                    c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

4940                    d. Only with documentation that the operator has applied for a Puget Sound  
4941 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
4942 (~~marijuana~~) cannabis producers or (~~marijuana~~) cannabis processors, or both, shall require  
4943 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
4944 (~~marijuana~~) cannabis products are imported onto the site; and

4945                    e. Accessory (~~marijuana~~) cannabis processing uses allowed under this section  
4946 are subject to all limitations applicable to (~~marijuana~~) cannabis production uses under  
4947 K.C.C. 21A.08.090.

4948                    21.a. Only in the CB and RB zones located outside the urban growth area;

4949                    b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

4950                    c. Only with documentation that the operator has applied for a Puget Sound Clean  
4951 Air Agency Notice of Construction Permit. All department permits issued to either  
4952 (~~marijuana~~) cannabis producers or (~~marijuana~~) cannabis processors, or both, shall require  
4953 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
4954 (~~marijuana~~) cannabis products are imported onto the site;

4955                    d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
4956 support of, processing (~~marijuana~~) cannabis together with any separately authorized  
4957 production of (~~marijuana~~) cannabis shall be limited to a maximum of two thousand square  
4958 feet; and

4959 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every  
4960 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-  
4961 square-foot threshold area on that lot shall obtain a conditional use permit as ~~((set forth))~~  
4962 required in subsection B.22. of this section.

4963 22.a. Only in the CB and RB zones located outside the urban growth area;

4964 b. Per lot, the aggregated total gross floor area devoted to the use of, and in  
4965 support of, processing ~~((marijuana))~~ cannabis together with any separately authorized  
4966 production of ~~((marijuana))~~ cannabis shall be limited to a maximum of thirty thousand  
4967 square feet;

4968 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

4969 d. Only with documentation that the operator has applied for a Puget Sound  
4970 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
4971 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require  
4972 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
4973 ~~((marijuana))~~ cannabis products are imported onto the site.

4974 23.a. Only in the CB and RB zones located inside the urban growth area;

4975 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

4976 c. Only with documentation that the operator has applied for a Puget Sound Clean  
4977 Air Agency Notice of Construction Permit. All department permits issued to either  
4978 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require  
4979 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
4980 ~~((marijuana))~~ cannabis products are imported onto the site;



4981 d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
4982 support of, processing ~~((marijuana))~~ cannabis together with any separately authorized  
4983 production of ~~((marijuana))~~ cannabis shall be limited to a maximum of two thousand square  
4984 feet; and

4985 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every  
4986 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-  
4987 square-foot threshold area on that lot shall obtain a conditional use permit as ~~((set forth))~~  
4988 required in subsection B.24. of this section.

4989 24.a. Only in the CB and RB zones located inside the urban growth area;

4990 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

4991 c. Only with documentation that the operator has applied for a Puget Sound Clean  
4992 Air Agency Notice of Construction Permit. All department permits issued to either  
4993 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require  
4994 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
4995 ~~((marijuana))~~ cannabis products are imported onto the site; and

4996 d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
4997 support of, processing ~~((marijuana))~~ cannabis together with any separately authorized  
4998 production of ~~((marijuana))~~ cannabis shall be limited to a maximum of thirty thousand  
4999 square feet.

5000 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

5001 b. Only with documentation that the operator has applied for a Puget Sound  
5002 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
5003 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require

5004 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5005 ~~((marijuana))~~ cannabis products are imported onto the site; and

5006 c. Per lot, limited to a maximum aggregate total of two thousand square feet of  
5007 gross floor area devoted to, and in support of, the processing of ~~((marijuana))~~ cannabis  
5008 together with any separately authorized production of ~~((marijuana))~~ cannabis.

5009 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

5010 b. Only with documentation that the operator has applied for a Puget Sound  
5011 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
5012 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require  
5013 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5014 ~~((marijuana))~~ cannabis products are imported onto the site; and

5015 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of  
5016 gross floor area devoted to, and in support of, the processing of ~~((marijuana))~~ cannabis  
5017 together with any separately authorized production of ~~((marijuana))~~ cannabis.

5018 27.a. ~~((Marijuana))~~ Cannabis processors in all RA zoned areas except for Vashon-  
5019 Maury Island, that do not require a conditional use permit issued by King County, that  
5020 receive a Washington state Liquor and Cannabis Board license business ~~((prior to))~~ before  
5021 October 1, 2016, and that King County did not object to within the Washington state Liquor  
5022 and Cannabis Board ~~((marijuana))~~ cannabis license application process, shall be considered  
5023 nonconforming as to subsection B.27.e. of this section, subject to the provisions of K.C.C.  
5024 21A.32.020 through 21A.32.075 for nonconforming uses;

5025 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

5026 c. Only with documentation that the operator has applied for a Puget Sound Clean  
5027 Air Agency Notice of Construction Permit. All department permits issued to either  
5028 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require  
5029 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5030 ~~((marijuana))~~ cannabis products are imported onto the site;

5031 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury  
5032 Island;

5033 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
5034 except on Vashon-Maury Island;

5035 f. Only as an accessory use to a Washington state Liquor Cannabis Board  
5036 licensed ~~((marijuana))~~ cannabis production facility on the same lot; and

5037 g. Accessory ~~((marijuana))~~ cannabis processing uses allowed under this section  
5038 are subject to all limitations applicable to ~~((marijuana))~~ cannabis production uses under  
5039 K.C.C. 21A.08.090.

5040 28. If the food and kindred products manufacturing or processing is associated  
5041 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

5042 29.a. Tasting and retail sales of products produced on-site, and merchandise related  
5043 to the products produced on-site, may be provided in accordance with state law;

5044 b. Structures and parking areas for winery, brewery, distillery facility uses shall  
5045 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
5046 rural area and residential zones, unless located in a building designated as historic resource  
5047 under K.C.C. chapter 20.62;

5048 c. For winery, brewery, distillery facility uses that do not require a conditional use  
5049 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of  
5050 one space per fifty square feet of tasting and retail areas. For winery, brewery, distillery  
5051 facility uses that do require a conditional use permit, off-street parking maximums shall be  
5052 determined through the conditional use permit process, and off-street parking for the tasting  
5053 and retail areas should be limited to a maximum of one space per fifty square feet of tasting  
5054 and retail areas;

5055 d. The business operator shall obtain an adult beverage business license in  
5056 accordance with K.C.C. chapter 6.74; and

5057 e. Events may be allowed with an approved temporary use permit under K.C.C.  
5058 chapter 21A.32.

5059 30.a. Only allowed on lots of at least two and one-half acres;

5060 b. The aggregated floor area of structures and areas for winery, brewery, distillery  
5061 facility uses shall not exceed three thousand five hundred square feet, unless located in  
5062 whole or in part in a structure designated as historic resource under K.C.C. chapter 20.62, in  
5063 which case the aggregated floor area of structures and areas devoted to winery, brewery,  
5064 distillery facility uses shall not exceed five thousand square feet. Decks that are not  
5065 occupied and not open to the public are excluded from the calculation for maximum  
5066 aggregated floor area;

5067 c. Structures and parking areas for winery, brewery, distillery facility uses shall  
5068 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
5069 rural area and residential zones, unless located in a building designated as historic resource  
5070 under K.C.C. chapter 20.62;

5071 d. Tasting and retail sales of products produced on-site may only occur as  
5072 accessory to the primary winery, brewery, distillery production use and may be provided in  
5073 accordance with state law. The area devoted to on-site tasting or retail sales shall be limited  
5074 to no more than thirty percent of the aggregated floor area and shall be included in the  
5075 aggregated floor area limitation in subsection B.30.b. of this section. Incidental retail sales  
5076 of merchandise related to the products produced on-site is allowed subject to the restrictions  
5077 described in this subsection. Hours of operation for on-site tasting of products shall be  
5078 limited as follows: Mondays, Tuesdays, Wednesdays, and Thursdays, tasting room hours  
5079 shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays, Saturdays, and Sundays,  
5080 tasting room hours shall be limited to 11:00 a.m. through 9:00 p.m.;

5081 e. Access to the site shall be directly to and from a public roadway;

5082 f. Off-street parking is limited to a maximum of one hundred fifty percent of the  
5083 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

5084 g. The business operator shall obtain an adult beverage business license in  
5085 accordance with K.C.C. chapter 6.74;

5086 h. Events may be allowed with an approved temporary use permit under K.C.C.  
5087 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;

5088 i. At least two stages of production of wine, beer, cider, or distilled spirits, such as  
5089 crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
5090 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
5091 least one of the stages of production occurring on-site shall include crushing, fermenting, or  
5092 distilling; and

5093           j. The impervious surface associated with the winery, brewery, distillery facility  
5094 use shall not exceed twenty-five percent of the site, or the maximum impervious surface for  
5095 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

5096           31.a. Limited to businesses with non-retail brewery and distillery production  
5097 licenses from the Washington state Liquor and Cannabis board. Wineries and remote  
5098 tasting rooms for wineries shall not be allowed;

5099           b. Tasting and retail sale of products produced on-site and merchandise related to  
5100 the products produced on-site may be provided in accordance with state law. The area  
5101 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred square  
5102 feet;

5103           c. Structures and parking areas for brewery and distillery facility uses shall  
5104 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
5105 rural area and residential zones, unless located in a building designated as historic resource  
5106 under K.C.C. chapter 20.62;

5107           d. For brewery and distillery facility uses that do not require a conditional use  
5108 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of  
5109 one space per fifty square feet of tasting and retail areas. For brewery and distillery facility  
5110 uses that do require a conditional use permit, off-street parking maximums shall be  
5111 determined through the conditional use permit process, and off-street parking for the tasting  
5112 and retail areas should be limited to a maximum of one space per fifty square feet of tasting  
5113 and retail areas;

5114           e. The business operator shall obtain an adult beverage business license in  
5115 accordance with K.C.C. chapter 6.74; and

5116 f. Events may be allowed with an approved temporary use permit under K.C.C.  
5117 chapter 21A.32.

5118 32.a. The aggregated floor area of structures and areas for winery, brewery,  
5119 distillery facility uses shall not exceed one thousand five hundred square feet;

5120 b. Structures and parking areas for winery, brewery, distillery facility uses shall  
5121 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
5122 rural area and residential zones, unless located in a building designated as historic resource  
5123 under K.C.C. chapter 20.62;

5124 c. One on-site parking stall shall be allowed for the winery, brewery, distillery  
5125 facility I use;

5126 d. The business operator shall obtain an adult beverage business license in  
5127 accordance with K.C.C. chapter 6.74;

5128 e. At least two stages of production of wine, beer, cider, or distilled spirits, such  
5129 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
5130 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
5131 least one of the stages of production occurring on-site shall include crushing, fermenting, or  
5132 distilling;

5133 f. No product tasting or retail sales shall be allowed on-site;

5134 g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

5135 h. The impervious surface associated with the winery, brewery, distillery facility  
5136 use shall not exceed twenty-five percent of the site or the maximum impervious surface for  
5137 the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A., whichever is less.

5138 33. Except leather tanning and finishing.

5139 34. Except gasoline powered motorcycles.

5140 SECTION 108. Ordinance 10870, Section 336, as amended, and K.C.C.

5141 21A.08.090 are hereby amended to read as follows:

5142 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I
12	Coal Mining												
13	Oil and Gas Extraction												
	<b>AGRICULTURE:</b>												
01	Growing and Harvesting Crops	P	P		P	P	P	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P24 C	P24 C		P24 C	P24 C	<u>P29</u> <u>C30</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	<u>P29</u>	
*	Agricultural Support Services	P25 C	P25 C		P26 C	P26 C	P26 C		P27 C28	P27 C28			
*	<del>(Marijuana)</del> Cannabis producer	P15 C22			P16 C17					P18 C19	P18 C19		P20 C21
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	<b>FORESTRY:</b>												
08	Growing (&) and	P	P	P7	P	P	P						P



	Harvesting Forest Production												
*	Forest Research		P		P	P						P2	P
	<b>FISH AND WILDLIFE MANAGEMENT:</b>												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	<b>MINERAL:</b>												
10, 14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

5143

B. Development conditions.

5144

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

5145

2. Only forest research conducted within an enclosed building.

5146

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

5147

4. Excluding housing for agricultural workers.

5148

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

5149

mineral extraction or processing operation.

5150

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

5151

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

5152

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

- 5153           8. Only on the same lot or same group of lots under common ownership or  
5154 documented legal control, which includes, but is not limited to, fee simple ownership, a  
5155 long-term lease, or an easement:
- 5156           a. as accessory to a primary mineral extraction use;
  - 5157           b. as a continuation of a mineral processing only for that period to complete  
5158 delivery of products or projects under contract at the end of a mineral extraction; or
  - 5159           c. for a public works project under a temporary grading permit issued in  
5160 accordance with K.C.C. 16.82.152.
- 5161           9. Limited to mineral extraction and processing:
- 5162           a. on a lot or group of lots under common ownership or documented legal  
5163 control, which includes, but is not limited to, fee simple ownership, a long-term lease, or an  
5164 easement;
  - 5165           b. that are located greater than one-quarter mile from an established residence;  
5166 and
  - 5167           c. that do not use local access streets that abut lots developed for residential use.
- 5168           10. Agriculture training facilities are allowed only as an accessory to existing  
5169 agricultural uses and are subject to the following conditions:
- 5170           a. The impervious surface associated with the agriculture training facilities shall  
5171 comprise not more than ten percent of the allowable impervious surface permitted under  
5172 K.C.C. 21A.12.040;
  - 5173           b. New or the expansion of existing structures, or other site improvements, shall  
5174 not be located on class 1, 2, or 3 soils;

- 5175 c. The director may require reuse of surplus structures to the maximum extent  
5176 practical;
- 5177 d. The director may require the clustering of new structures with existing  
5178 structures;
- 5179 e. New structures or other site improvements shall be set back a minimum  
5180 distance of seventy-five feet from property lines adjoining rural area and residential zones;
- 5181 f. Bulk and design of structures shall be compatible with the architectural style of  
5182 the surrounding agricultural community;
- 5183 g. New sewers shall not be extended to the site;
- 5184 h. Traffic generated shall not impede the safe and efficient movement of  
5185 agricultural vehicles, nor shall it require capacity improvements to rural roads;
- 5186 i. Agriculture training facilities may be used to provide educational services to the  
5187 surrounding rural/agricultural community or for community events. Property owners may be  
5188 required to obtain a temporary use permit for community events in accordance with K.C.C.  
5189 chapter 21A.32;
- 5190 j. Use of lodging and food service facilities shall be limited only to activities  
5191 conducted in conjunction with training and education programs or community events held  
5192 on site;
- 5193 k. Incidental uses, such as office and storage, shall be limited to those that  
5194 directly support education and training activities or farm operations; and
- 5195 l. The King County agriculture commission shall be notified of and have an  
5196 opportunity to comment upon all proposed agriculture training facilities during the permit  
5197 process in accordance with K.C.C. chapter 21A.40.

5198           11. Continuation of mineral processing and asphalt/concrete mixtures and block  
5199 uses after reclamation in accordance with an approved reclamation plan.

5200           12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented  
5201 activities. In addition, activities that place minimal stress on the site's agricultural resources  
5202 or activities that are compatible with agriculture are permitted.

5203           (1) passive recreation;

5204           (2) training of individuals who will work at the camp;

5205           (3) special events for families of the campers; and

5206           (4) agriculture education for youth.

5207           b. Outside the camp center, as provided for in subsection B.12.e. of this section,  
5208 camp activities shall not preclude the use of the site for agriculture and agricultural related  
5209 activities, such as the processing of local food to create value-added products and the  
5210 refrigeration and storage of local agricultural products. The camp shall be managed to  
5211 coexist with agriculture and agricultural activities both onsite and in the surrounding area.

5212           c. A farm plan shall be required for commercial agricultural production to ensure  
5213 adherence to best management practices and soil conservation.

5214           d.(1) The minimum site area shall be five hundred acres. Unless the property  
5215 owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of  
5216 this section, a minimum of five hundred acres of the site must be owned by a single  
5217 individual, corporation, partnership, or other legal entity and must remain under the  
5218 ownership of a single individual, corporation, partnership, or other legal entity for the  
5219 duration of the operation of the camp.

5220 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner  
5221 from selling or transferring the development rights for a portion or all of the site to the King  
5222 County farmland preservation program or, if the development rights are extinguished as part  
5223 of the sale or transfer, to a nonprofit entity approved by the director;

5224 e. The impervious surface associated with the camp shall comprise not more than  
5225 ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

5226 f. Structures for living quarters, dining facilities, medical facilities, and other  
5227 nonagricultural camp activities shall be located in a camp center. The camp center shall be  
5228 no more than fifty acres and shall be depicted on a site plan. New structures for nonagricultural  
5229 camp activities shall be clustered with existing structures;

5230 g. To the extent practicable, existing structures shall be reused. The applicant  
5231 shall demonstrate to the director that a new structure for nonagricultural camp activities  
5232 cannot be practicably accommodated within an existing structure on the site, though cabins  
5233 for campers shall be permitted only if they do not already exist on site;

5234 h. Camp facilities may be used to provide agricultural educational services to the  
5235 surrounding rural and agricultural community or for community events. If required by  
5236 K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
5237 community events;

5238 i. Lodging and food service facilities shall only be used for activities related to  
5239 the camp or for agricultural education programs or community events held on site;

5240 j. Incidental uses, such as office and storage, shall be limited to those that directly  
5241 support camp activities, farm operations, or agricultural education programs;

5242 k. New nonagricultural camp structures and site improvements shall maintain a  
5243 minimum set-back of seventy-five feet from property lines adjoining rural area and  
5244 residential zones;

5245 l. Except for legal nonconforming structures existing as of January 1, 2007, camp  
5246 facilities, such as a medical station, food service hall, and activity rooms, shall be of a scale  
5247 to serve overnight camp users;

5248 m. Landscaping equivalent to a type III landscaping screen, as provided for in  
5249 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
5250 and site improvements located within two hundred feet of an adjacent rural area and  
5251 residential zoned property not associated with the camp;

5252 n. New sewers shall not be extended to the site;

5253 o. The total number of persons staying overnight shall not exceed three hundred;

5254 p. The length of stay for any individual overnight camper, not including camp  
5255 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

5256 q. Traffic generated by camp activities shall not impede the safe and efficient  
5257 movement of agricultural vehicles nor shall it require capacity improvements to rural roads;

5258 r. If the site is adjacent to an arterial roadway, access to the site shall be directly  
5259 onto the arterial unless the county road engineer determines that direct access is unsafe;

5260 s. If direct access to the site is via local access streets, transportation management  
5261 measures shall be used to minimize adverse traffic impacts;

5262 t. Camp recreational activities shall not involve the use of motor vehicles unless  
5263 the motor vehicles are part of an agricultural activity or are being used for the transportation  
5264 of campers, camp personnel or the families of campers. Camp personnel may use motor

5265 vehicles for the operation and maintenance of the facility. Client-specific motorized  
5266 personal mobility devices are allowed; and

5267 u. Lights to illuminate the camp or its structures shall be arranged to reflect the  
5268 light away from any adjacent property.

5269 13. Limited to digester receiving plant and animal and other organic waste from  
5270 agricultural activities, and including electrical generation, as follows:

5271 a. the digester must be included as part of a Washington state Department of  
5272 Agriculture approved dairy nutrient plan;

5273 b. the digester must process at least seventy percent livestock manure or other  
5274 agricultural organic material from farms in the vicinity, by volume;

5275 c. imported organic waste-derived material, such as food processing waste, may  
5276 be processed in the digester for the purpose of increasing methane gas production for  
5277 beneficial use, but not shall exceed thirty percent of volume processed by the digester; and

5278 d. the use must be accessory to an operating dairy or livestock operation.

5279 14. Farm worker housing. Either:

5280 a. Temporary farm worker housing subject to the following conditions:

5281 (1) The housing must be licensed by the Washington state Department of  
5282 Health under chapter 70.114A RCW and chapter 246-358 WAC;

5283 (2) Water supply and sewage disposal systems must be approved by ((the  
5284 ~~Seattle King County department of~~) public health – Seattle & King County;

5285 (3) To the maximum extent practical, the housing should be located on  
5286 nonfarmable areas that are already disturbed and should not be located in the floodplain or  
5287 in a critical area or critical area buffer; and

5288 (4) The property owner shall file with the department of executive services,  
5289 records and licensing services division, a notice approved by the department identifying the  
5290 housing as temporary farm worker housing and that the housing shall be occupied only by  
5291 agricultural employees and their families while employed by the owner or operator or on a  
5292 nearby farm. The notice shall run with the land; or

5293 b. Housing for agricultural employees who are employed by the owner or  
5294 operator of the farm year-round as follows:

5295 (1) Not more than:

5296 (a) one agricultural employee dwelling unit on a site less than twenty acres;

5297 (b) two agricultural employee dwelling units on a site of at least twenty acres  
5298 and less than fifty acres;

5299 (c) three agricultural employee dwelling units on a site of at least fifty acres  
5300 and less than one-hundred acres; and

5301 (d) four agricultural employee dwelling units on a site of at least one-hundred  
5302 acres, and one additional agricultural employee dwelling unit for each additional one  
5303 hundred acres thereafter;

5304 (2) If the primary use of the site changes to a nonagricultural use, all agricultural  
5305 employee dwelling units shall be removed;

5306 (3) The applicant shall file with the department of executive services, records  
5307 and licensing services division, a notice approved by the department that identifies the  
5308 agricultural employee dwelling units as accessory and that the dwelling units shall only be  
5309 occupied by agricultural employees who are employed by the owner or operator year-round.  
5310 The notice shall run with the land. The applicant shall submit to the department proof that



5311 the notice was filed with the department of executive services, records and licensing services  
5312 division, before the department approves any permit for the construction of agricultural  
5313 employee dwelling units;

5314 (4) An agricultural employee dwelling unit shall not exceed a floor area of one  
5315 thousand square feet and may be occupied by no more than eight unrelated agricultural  
5316 employees;

5317 (5) To the maximum extent practical, the housing should be located on  
5318 nonfarmable areas that are already disturbed;

5319 (6) One off-street parking space shall be provided for each agricultural  
5320 employee dwelling unit; and

5321 (7) The agricultural employee dwelling units shall be constructed in compliance  
5322 with K.C.C. Title 16.

5323 15. ((Marijuana)) Cannabis production by ((marijuana)) cannabis producers  
5324 licensed by the Washington state Liquor and Cannabis Board is subject to the following  
5325 standards:

5326 a. Only allowed on lots of at least four and one-half acres;

5327 b. With a lighting plan, only if required by and that complies with K.C.C.

5328 21A.12.220.G.;

5329 c. Only with documentation that the operator has applied for a Puget Sound Clean

5330 Air Agency Notice of Construction Permit. All department permits issued to either

5331 ((marijuana)) cannabis producers or ((marijuana)) cannabis processors, or both, shall require

5332 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before

5333 ((marijuana)) cannabis products are imported onto the site;

5334 d. Production is limited to outdoor, indoor within ((~~marijuana~~)) cannabis  
5335 greenhouses, and within structures that are nondwelling unit structures that exist as of  
5336 October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;

5337 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any  
5338 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
5339 aggregated total of two thousand square feet and shall be located within a fenced area or  
5340 ((~~marijuana~~)) cannabis greenhouse that is no more than ten percent larger than that  
5341 combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

5342 f. Outdoor production area fencing as required by the Washington state Liquor  
5343 and Cannabis Board, ((~~marijuana~~)) cannabis greenhouses and nondwelling unit structures  
5344 shall maintain a minimum street setback of fifty feet and a minimum interior setback of  
5345 thirty feet; and

5346 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined  
5347 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every  
5348 ((~~marijuana~~)) cannabis-related entity occupying space in addition to the two-thousand-  
5349 square-foot threshold area on that lot shall obtain a conditional use permit as ((~~set forth~~))  
5350 required in subsection B.22. of this section.

5351 16. ((~~Marijuana~~)) Cannabis production by ((~~marijuana~~)) cannabis producers  
5352 licensed by the Washington state Liquor and Cannabis Board is subject to the following  
5353 standards:

5354 a. ((~~Marijuana~~)) Cannabis producers in all RA zoned areas except for Vashon-  
5355 Maury Island, that do not require a conditional use permit issued by King County, that  
5356 receive a Washington state Liquor and Cannabis Board license business before October 1,

5357 2016, and that King County did not object to within the Washington state Liquor and  
5358 Cannabis Board (~~((marijuana))~~) cannabis license application process, shall be considered  
5359 nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of  
5360 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

5361 b. In all rural area zones, only with a lighting plan that complies with K.C.C.  
5362 21A.12.220.G.;

5363 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
5364 Island;

5365 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
5366 except on Vashon-Maury Island;

5367 e. Only with documentation that the operator has applied for a Puget Sound Clean  
5368 Air Agency Notice of Construction Permit. All department permits issued to either  
5369 (~~((marijuana))~~) cannabis producers or (~~((marijuana))~~) cannabis processors, or both, shall require  
5370 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5371 (~~((marijuana))~~) cannabis products are imported onto the site;

5372 f. Production is limited to outdoor, indoor within (~~((marijuana))~~) cannabis  
5373 greenhouses, and within nondwelling unit structures that exist as of October 1, 2013, subject  
5374 to the size limitations in subsection B.16.g. of this section; and

5375 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any  
5376 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
5377 aggregated total of two thousand square feet and shall be located within a fenced area or  
5378 (~~((marijuana))~~) cannabis greenhouse, that is no more than ten percent larger than that  
5379 combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

5380 h. Outdoor production area fencing as required by the Washington state Liquor  
5381 and Cannabis Board and ((~~marijuana~~)) cannabis greenhouses shall maintain a minimum  
5382 street setback of fifty feet and a minimum interior setback of one hundred feet; and a  
5383 minimum setback of one hundred fifty feet from any existing residence; and

5384 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within fenced  
5385 areas or ((~~marijuana~~)) cannabis greenhouses is exceeded, each and every ((~~marijuana~~))  
5386 cannabis-related entity occupying space in addition to the two-thousand-square-foot  
5387 threshold area on that lot shall obtain a conditional use permit as ((~~set forth~~)) required in  
5388 subsection B.17. of this section.

5389 17. ((~~Marijuana~~)) Cannabis production by ((~~marijuana~~)) cannabis producers  
5390 licensed by the Washington state Liquor and Cannabis Board is subject to the following  
5391 standards:

5392 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
5393 Island;

5394 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
5395 except on Vashon-Maury Island;

5396 c. In all rural area zones, only with a lighting plan that complies with K.C.C.  
5397 21A.12.220.G.;

5398 d. Only with documentation that the operator has applied for a Puget Sound  
5399 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
5400 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require  
5401 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5402 ((~~marijuana~~)) cannabis products are imported onto the site;

5403 e. Production is limited to outdoor and indoor within ((~~marijuana~~)) cannabis  
5404 greenhouses subject to the size limitations in subsection B.17.f. of this section;

5405 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any  
5406 area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
5407 aggregated total of thirty thousand square feet and shall be located within a fenced area or  
5408 ((~~marijuana~~)) cannabis greenhouse that is no more than ten percent larger than that  
5409 combined area; and

5410 g. Outdoor production area fencing as required by the Washington state Liquor  
5411 and Cannabis Board, and ((~~marijuana~~)) cannabis greenhouses shall maintain a minimum  
5412 street setback of fifty feet and a minimum interior setback of one hundred feet, and a  
5413 minimum setback of one hundred fifty feet from any existing residence.

5414 18.a. Production is limited to indoor only;

5415 b. With a lighting plan only as required by and that complies with K.C.C.  
5416 21A.12.220.G.;

5417 c. Only with documentation that the operator has applied for a Puget Sound Clean  
5418 Air Agency Notice of Construction Permit. All department permits issued to either  
5419 ((~~marijuana~~)) cannabis producers or ((~~marijuana~~)) cannabis processors, or both, shall require  
5420 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5421 ((~~marijuana~~)) cannabis products are imported onto the site; and

5422 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any  
5423 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
5424 aggregated total of two thousand square feet and shall be located within a building or tenant

5425 space that is no more than ten percent larger than the plant canopy and separately authorized  
5426 processing area; and

5427 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every  
5428 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-  
5429 square foot threshold area on that parcel shall obtain a conditional use permit as ~~((set forth))~~  
5430 required in subsection B.19. of this section.

5431 19.a. Production is limited to indoor only;

5432 b. With a lighting plan only as required by and that complies with K.C.C.  
5433 21A.12.220.G.;

5434 c. Only with documentation that the operator has applied for a Puget Sound Clean  
5435 Air Agency Notice of Construction Permit. All department permits issued to either  
5436 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require  
5437 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5438 ~~((marijuana))~~ cannabis products are imported onto the site; and

5439 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any  
5440 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
5441 aggregated total of thirty thousand square feet and shall be located within a building or  
5442 tenant space that is no more than ten percent larger than the plant canopy and separately  
5443 authorized processing area.

5444 20.a. Production is limited to indoor only;

5445 b. With a lighting plan only as required by and that complies with K.C.C.  
5446 21A.12.220.G.;

5447 c. Only with documentation that the operator has applied for a Puget Sound Clean  
5448 Air Agency Notice of Construction Permit. All department permits issued to either  
5449 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require  
5450 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5451 ~~((marijuana))~~ cannabis products are imported onto the site;

5452 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any  
5453 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
5454 aggregated total of two thousand square feet and shall be located within a building or tenant  
5455 space that is no more than ten percent larger than the plant canopy and separately authorized  
5456 processing area; and

5457 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every  
5458 ~~((marijuana))~~ cannabis-related entity occupying space in addition to the two-thousand-  
5459 square-foot threshold area on that lot shall obtain a conditional use permit as ~~((set forth))~~  
5460 required in subsection B.21. of this section.

5461 21.a. Production is limited to indoor only;

5462 b. With a lighting plan only as required by and that complies with K.C.C.  
5463 21A.12.220.G.;

5464 c. Only with documentation that the operator has applied for a Puget Sound Clean  
5465 Air Agency Notice of Construction Permit. All department permits issued to either  
5466 ~~((marijuana))~~ cannabis producers or ~~((marijuana))~~ cannabis processors, or both, shall require  
5467 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5468 ~~((marijuana))~~ cannabis products are imported onto the site; and

5469 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any  
5470 area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
5471 aggregated total of thirty thousand square feet and shall be located within a building or  
5472 tenant space that is no more than ten percent larger than the plant canopy and separately  
5473 authorized processing area.

5474 22. ((Marijuana)) Cannabis production by ((marijuana)) cannabis producers  
5475 licensed by the Washington state Liquor and Cannabis Board is subject to the following  
5476 standards:

5477 a. With a lighting plan only as required by and that complies with K.C.C.  
5478 21A.12.220.G.;

5479 b. Only allowed on lots of at least four and one-half acres;

5480 c. Only with documentation that the operator has applied for a Puget Sound Clean  
5481 Air Agency Notice of Construction Permit. All department permits issued to either  
5482 ((marijuana)) cannabis producers or ((marijuana)) cannabis processors, or both, shall require  
5483 that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before  
5484 ((marijuana)) cannabis products are imported onto the site;

5485 d. Production is limited to outdoor, indoor within ((marijuana)) cannabis  
5486 greenhouses, and within structures that are nondwelling unit structures that exist as of  
5487 October 1, 2013, subject to the size limitations in subsection B.22. e. and f. of this section;

5488 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-  
5489 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be  
5490 limited to a maximum aggregated total of five thousand square feet and shall be located  
5491 within a fenced area or ((marijuana)) cannabis greenhouse that is no more than ten percent



5492 larger than that combined area, or may occur in nondwelling unit structures that exist as of  
5493 October 1, 2013;

5494 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-55-  
5495 010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited  
5496 to a maximum aggregated total of ten thousand square feet, and shall be located within a  
5497 fenced area or marijuana (~~marijuana~~) cannabis that is no more than ten percent larger than  
5498 that combined area, or may occur in nondwelling unit structures that exist as of October 1,  
5499 2013; and

5500 g. Outdoor production area fencing as required by the Washington state Liquor  
5501 and Cannabis Board, (~~marijuana~~) cannabis greenhouses and nondwelling unit structures  
5502 shall maintain a minimum street setback of fifty feet and a minimum interior setback of one  
5503 hundred feet, and a minimum setback of one hundred fifty feet from any existing residence.

5504 23. The storage and processing of (~~non-manufactured~~) nonmanufactured source  
5505 separated organic waste that originates from agricultural operations and that does not  
5506 originate from the site, if:

5507 a. agricultural is the primary use of the site;

5508 b. the storage and processing are in accordance with best management practices  
5509 included in an approved farm plan; and

5510 c. except for areas used for manure storage, the areas used for storage and  
5511 processing do not exceed three acres and ten percent of the site.

5512 24.a. For activities relating to the processing of crops or livestock for commercial  
5513 purposes, including associated activities such as warehousing, storage, including

5514 refrigeration, and other similar activities and excluding winery, brewery, distillery facility I,  
5515 II, III and remote tasting room:

5516 (1) limited to agricultural products and sixty percent or more of the products  
5517 processed must be grown in the Puget Sound counties. At the time of initial application, the  
5518 applicant shall submit a projection of the source of products to be produced;

5519 (2) in the RA and UR zones, only allowed on sites of at least four and one-half  
5520 acres;

5521 (3)(a) as a permitted use, the floor area devoted to all processing shall not  
5522 exceed two thousand square feet, unless located in a building designated as an historic  
5523 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as  
5524 established in K.C.C. 21A.42.300, may review and approve an increase in the processing  
5525 floor area as follows: up to three thousand five hundred square feet of floor area may be  
5526 devoted to all processing in the RA zones or on farms less than thirty-five acres located in  
5527 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the  
5528 A zone; and

5529 (b) as a permitted use, the floor area devoted to all warehousing, refrigeration,  
5530 storage, or other similar activities shall not exceed two thousand square feet, unless located  
5531 in a building designated as historic resource under K.C.C. chapter 20.62. The agricultural  
5532 technical review committee, as established in K.C.C. 21A.42.300, may review and approve  
5533 an increase of up to three thousand five hundred square feet of floor area devoted to all  
5534 ~~((warehousing))~~ warehousing, storage, including refrigeration, or other similar activities in  
5535 the RA zones or on farms less than thirty-five acres located in the A zones or up to seven  
5536 thousand square feet on farms greater than thirty-five acres in the A zone;

5537 (4) in the A zone, structures and areas used for processing, warehousing,  
5538 ~~((refrigeration))~~ refrigeration, storage, and other similar activities shall be located on portions  
5539 of agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
5540 the already developed portion of such agricultural lands that are not available for direct  
5541 agricultural production, or areas without prime agricultural soils; and

5542 (5) structures and areas used for processing, warehousing, storage, including  
5543 refrigeration, and other similar activities shall maintain a minimum distance of seventy-five  
5544 feet from property lines adjoining rural area and residential zones, unless located in a  
5545 building designated as historic resource under K.C.C. chapter 20.62.

5546 b. For activities relating to the retail sale of agricultural products, except  
5547 livestock:

5548 (1) sales shall be limited to agricultural products and locally made arts and  
5549 crafts;

5550 (2) in the RA and UR zones, only allowed on sites at least four and one-half  
5551 acres;

5552 (3) as a permitted use, the covered sales area shall not exceed two thousand  
5553 square feet, unless located in a building designated as a historic resource under K.C.C.  
5554 chapter 20.62. The agricultural technical review committee, as established in K.C.C.  
5555 21A.42.300, may review and approve an increase of up to three thousand five hundred  
5556 square feet of covered sales area;

5557 (4) forty percent or more of the gross sales of agricultural product sold  
5558 through the store must be sold by the producers of primary agricultural products;

5559 (5) sixty percent or more of the gross sales of agricultural products sold  
5560 through the store shall be derived from products grown or produced in the Puget Sound  
5561 counties. At the time of the initial application, the applicant shall submit a reasonable  
5562 projection of the source of product sales;

5563 (6) tasting of products, in accordance with applicable health regulations, is  
5564 allowed;

5565 (7) storage areas for agricultural products may be included in a farm store  
5566 structure or in any accessory building; and

5567 (8) outside lighting is permitted if there is no off-site glare.

5568 c. Retail sales of livestock is permitted only as accessory to raising livestock.

5569 d. Farm operations, including equipment repair and related facilities, except  
5570 that:

5571 (1) the repair of tools and machinery is limited to those necessary for the  
5572 operation of a farm or forest;

5573 (2) in the RA and UR zones, only allowed on sites of at least four and one-  
5574 half acres;

5575 (3) the size of the total repair use is limited to one percent of the farm size in  
5576 the A zone, and up to one percent of the size in other zones, up to a maximum of five  
5577 thousand square feet unless located within an existing farm structure, including, but not  
5578 limited to, barns, existing as of December 31, 2003; and

5579 (4) Equipment repair shall not be permitted in the Forest zone.

5580 e. The agricultural technical review committee, as established in K.C.C.  
5581 21A.42.300, may review and approve reductions of minimum site sizes in the rural and  
5582 residential zones and minimum setbacks from rural and residential zones.

5583 25. The department may review and approve establishment of agricultural support  
5584 services in accordance with the code compliance review process in K.C.C. 21A.42.300 only  
5585 if:

5586 a. project is sited on lands that are unsuitable for direct agricultural production  
5587 based on size, soil conditions, or other factors and cannot be returned to productivity by  
5588 drainage maintenance; and

5589 b. the proposed use is allowed under any Farmland Preservation Program  
5590 conservation easement and zoning development standards.

5591 26. The agricultural technical review committee, as established in K.C.C.  
5592 21A.42.300, may review and approve establishment of agricultural support services only if  
5593 the project site:

5594 a. adjoins or is within six hundred sixty feet of the agricultural production district;

5595 b. has direct vehicular access to the agricultural production district;

5596 c. except for farmworker housing, does not use local access streets that abut lots

5597 developed for residential use; and

5598 ~~((b-))~~ d. has a minimum lot size of four and one-half acres.

5599 27. The agricultural technical review committee, as established in K.C.C.

5600 21A.42.300, may review and approve establishment of agricultural support services only if

5601 the project site:

5602 a. is outside the urban growth area~~((;))~~;

5603            b. adjoins or is within six hundred sixty feet of the agricultural production  
5604 district((5));

5605            c. has direct vehicular access to the agricultural production district((5));

5606            d. except for farmworker housing, does not use local access streets that abut lots  
5607 developed for residential use; and

5608            e. has a minimum lot size of four and one-half acres.

5609            28. Only allowed on properties that are outside the urban growth area.

5610            29.a. Either as a permitted use or an accessory use, if:

5611                    (1) An accessory use does not exceed four thousand square feet; and

5612                    (2) In the R-1 zone, on properties with existing tree clearing on at least seventy-  
5613 five percent of the property;

5614            b. A sufficient water supply shall be available to support cultivation practices  
5615 on site;

5616            c. The site shall be designed and maintained to prevent water and fertilizer  
5617 runoff onto adjacent properties;

5618            d. Compost materials shall be stored at least twenty feet from interior lot lines  
5619 and in a manner that minimizes odors and is not visible from adjacent properties;

5620            e. A farm management plan is required;

5621            f. Raising livestock and small animals is not permitted; and

5622            g. In the R-1 through R-48 zones:

5623                    (1) Only mechanical equipment designed for household use may be used;

5624                    (2) Retail sales and all other public use shall begin no earlier than 7:00 a.m.  
5625 and end by 7:00 p.m.;

5626                   (3) Commercial deliveries and pickups are limited to one per day. On-site  
5627 sales are not considered commercial pickups;

5628                   (4) No more than two motor vehicles, each with a gross vehicle weight of ten  
5629 thousand pounds or less;

5630                   (5) One identification sign is permitted, not exceeding sixty-four square  
5631 inches in area;

5632                   (6) Structures accessory to agricultural activities shall be limited to raised  
5633 garden beds, greenhouses, hoop houses, storage sheds, cold frames, and rain barrel  
5634 systems; and

5635                   (7) On a lot with no principal structure:

5636                   (a) The total gross floor area of all structures may not exceed one thousand  
5637 square feet;

5638                   (b) Structures may not exceed twelve feet in height, including any pitched  
5639 roof; and

5640                   (c) Structures are also subject to the development standards that would apply  
5641 to an accessory structure in the zone.

5642                   30. Only on properties twenty acres or more in size in the R-1 zone, if:

5643                   a. On properties with existing tree clearing on at least seventy-five percent of  
5644 the property;

5645                   b. A sufficient water supply is available to support cultivation practices on site;

5646                   c. The site is designed and maintained to prevent water and fertilizer runoff  
5647 onto adjacent properties;

5648 d. Compost materials are stored at least twenty feet from interior lot lines and  
 5649 in a manner that minimizes odors and is not visible from adjacent properties;

5650 e. There is an approved farm management plan for the site;

5651 f. No raising livestock and small animals are present; and

5652 g. Approved by a conditional use permit, with additional conditions, as  
 5653 appropriate, to limit and mitigate impacts on surrounding residential areas.

5654 SECTION 109. Ordinance 10870, Section 337, as amended, and K.C.C.

5655 21A.08.100 are hereby amended to read as follows:

5656 A. Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Search and Rescue Facility				C30 S30								
*	Non-hydroelectric Generation Facility	C12 S29	C12 S29	C12 S28	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	P12 S29
*	Renewable Energy	C28	C28	C	C	C	C	C	C	C	C	C	C



	Generation Facility												
*	Fossil Fuel Facility												S27
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance Facility				C23								P
*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort Facility				P26		P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds Facility				P21 S22								
*	Fairground								S	S			S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		

7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

5657

B. Development conditions.

5658

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

5659

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

5660

2. Except arboretum. See K.C.C. 21A.08.040, (~~recreation~~) recreational and

5661

cultural land use table.

5662

3. Except weapons armories and outdoor shooting ranges.

5663

4. Except outdoor shooting range.

5664

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

5665

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

5666

b. Limited to one satellite dish antenna.

5667

c. Limited to tower consolidations.

5668

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

5669

or for emergency landing sites.

5670

8. Except racing of motorized vehicles.

5671

9. Limited to wildlife exhibit.

5672

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

5673

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

5674

21A.32.

5675 12. Limited to gas extraction as an accessory use to a waste management process,  
5676 such as wastewater treatment, landfill waste management, livestock manure, and  
5677 composting processes.

5678 13. Excluding impoundment of water using a dam.

5679 14. Limited to facilities that comply with the following:

5680 a. Any new diversion structure shall not:

5681 (1) exceed a height of eight feet as measured from the streambed; or

5682 (2) impound more than three surface acres of water at the normal maximum  
5683 surface level;

5684 b. There shall be no active storage;

5685 c. The maximum water surface area at any existing dam or diversion shall not be  
5686 increased;

5687 d. An exceedance flow of no greater than fifty percent in mainstream reach shall  
5688 be maintained;

5689 e. Any transmission line shall ~~((be limited to a))~~ comply with the following:

5690 (1) ~~((right of way))~~ be limited to right of way of five miles or less; ~~((and))~~

5691 (2) be limited to capacity of two hundred thirty KV or less; and

5692 (3) as part of an application for an addition, expansion, or upgrade of electric  
5693 transmission and distribution lines, the applicant shall submit an equity impact review of the  
5694 proposal using tools developed by the office of equity and racial and social justice. The  
5695 results from the equity impact review shall be used to assess equity impacts and  
5696 opportunities during county permit review and may be used to inform determinations of  
5697 project approval;

5698 f. Any new, permanent access road shall be limited to five miles or less; and

5699 g. The facility shall only be located above any portion of the stream used by

5700 anadromous fish.

5701 15. For I-zoned sites located outside the urban growth area designated by the King

5702 County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.

5703 21A.08.100.A., except for ~~((waste-water))~~ wastewater treatment facilities and racetracks,

5704 shall be prohibited. All other uses, including ~~((waste-water))~~ wastewater treatment facilities,

5705 shall be subject to the provisions for rural industrial uses in K.C.C. ~~((chapter 21A.12))~~

5706 21A.14.280.

5707 16. The operator of such a facility shall provide verification to the department of

5708 natural resources and parks or its successor organization that the facility meets or exceeds

5709 the standards of the Animal and Plant Health Inspection Service of the United States

5710 Department of Agriculture and the accreditation guidelines of the American Zoo and

5711 Aquarium Association.

5712 17. The following provisions of the table apply only to major communication

5713 facilities. Minor communication facilities shall be reviewed in accordance with the

5714 processes and standard outlined in K.C.C. chapter 21A.27.

5715 18. Only for facilities related to resource-based research.

5716 19. Limited to work release facilities associated with natural resource-based

5717 activities.

5718 20. Limited to projects ~~((which))~~ that do not require or result in an expansion of

5719 sewer service outside the urban growth area, unless a finding is made that no cost-effective

5720 alternative technologies are feasible, in which case a tightline sewer sized only to meet the

5721 needs of the school bus base and serving only the school bus base may be used. Renovation,  
5722 expansion, modernization, or reconstruction of a school bus base is permitted but shall not  
5723 require or result in an expansion of sewer service outside the urban growth area, unless a  
5724 finding is made that no cost-effective alternative technologies are feasible, in which case a  
5725 tightline sewer sized only to meet the needs of the school bus base.

5726 21. Only in conformance with the King County Site Development Plan Report,  
5727 through modifications to the plan of up to ten percent are allowed for the following:

- 5728 a. building square footage;
- 5729 b. landscaping;
- 5730 c. parking;
- 5731 d. building height; or
- 5732 e. impervious surface.

5733 22. A special use permit shall be required for any modification or expansion of the  
5734 King County fairgrounds facility that is not in conformance with the King County Site  
5735 Development Plan Report or that exceeds the allowed modifications to the plan identified in  
5736 subsection B.21. of this section.

5737 23. The facility shall be primarily devoted to rural public infrastructure  
5738 maintenance and is subject to the following conditions:

- 5739 a. The minimum site area shall be ten acres, unless:
    - 5740 (1) the facility is a reuse of a public agency yard; or
    - 5741 (2) the site is separated from a county park by a street or utility (~~right of way~~)
- 5742 right of way;

5743           b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided  
5744 between any stockpiling or grinding operations and adjacent residential zoned property;

5745           c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided  
5746 between any office and parking lots and adjacent residential zoned property;

5747           d. Access to the site does not use local access streets that abut residential zoned  
5748 property, unless the facility is a reuse of a public agency yard;

5749           e. Structural setbacks from property lines shall be as follows:

5750               (1) Buildings, structures, and stockpiles used in the processing of materials shall  
5751 be no closer than:

5752                   (a) one hundred feet from any residential zoned properties, except that the  
5753 setback may be reduced to fifty feet when the grade where the building or structures are  
5754 proposed is fifty feet or greater below the grade of the residential zoned property;

5755                   (b) fifty feet from any other zoned property, except when adjacent to a mineral  
5756 extraction or materials processing site;

5757                   (c) the greater of fifty feet from the edge of any public street or the setback  
5758 from residential zoned property on the far side of the street; and

5759               (2) Offices, scale facilities, equipment storage buildings, and stockpiles shall not  
5760 be closer than fifty feet from any property line except when adjacent to M or F zoned  
5761 property or when a reuse of an existing building. Facilities necessary to control access to the  
5762 site, when demonstrated to have no practical alternative, may be located closer to the  
5763 property line;

5764           f. On-site clearing, grading, or excavation, excluding that necessary for required  
5765 access, roadway, or storm drainage facility construction, shall not be permitted within fifty

5766 feet of any property line except along any portion of the perimeter adjacent to M or F zoned  
5767 property. If native vegetation is restored, temporary disturbance resulting from construction  
5768 of noise attenuation features located closer than fifty feet shall be permitted; and

5769 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

5770 24. The following accessory uses to a motor race track operation are allowed if  
5771 approved as part of the special use permit:

5772 a. motocross;

5773 b. autocross;

5774 c. skidpad;

5775 d. garage;

5776 e. driving school; and

5777 f. fire station.

5778 25. Regional transit authority facilities shall be exempt from setback and height  
5779 requirements.

5780 26. Transit comfort facility shall:

5781 a. only be located outside of the urban growth area boundary;

5782 b. be exempt from street setback requirements; and

5783 c. be no more than ~~((200))~~ two hundred square feet in size.

5784 27.a. Required for all new, modified, or expanded fossil fuel facilities.

5785 Modification or expansion includes, but is not limited to:

5786 (1) new uses or fuel types within existing facilities;

5787 (2) changes to the type of refining, manufacturing, or processing;

5788 (3) changes in the methods or volumes of storage or transport of raw materials  
5789 or processed products;

5790 (4) changes in the location of the facilities on-site;

5791 (5) replacement of existing facilities;

5792 (6) increases in power or water demands; or

5793 (7) increases in production capacity.

5794 b. Before filing an application with the department, the applicant shall hold a  
5795 community meeting in accordance with K.C.C. 20.20.035.

5796 c. As part of permit application submittal for new, modified, or expanded fossil  
5797 fuel facilities, the applicant shall submit the following documentation:

5798 (1) an inventory of similar existing facilities in King County and neighboring  
5799 counties, including their locations and capacities;

5800 (2) a forecast of the future needs for the facility;

5801 (3) an ~~((analysis of the potential social and economic impacts and benefits to~~  
5802 ~~jurisdictions and local communities receiving or surrounding the facility))~~ equity impact  
5803 review of the proposal using tools developed by the office of equity and racial and social  
5804 justice. The results from the equity impact review shall be used to assess equity impacts and  
5805 opportunities during county permit review and may be used to inform determinations of  
5806 project approval;

5807 (4) an analysis of alternatives to the facility, including location, conservation,  
5808 demand management, and other strategies;



5809 (5) an analysis of economic and environmental impacts, including mitigation, of  
5810 any similar existing facilities and of any new site(~~(s)~~) or sites under consideration as an  
5811 alternative to expansion of an existing facility;

5812 (6) an extensive public involvement strategy (~~(which)~~) that strives to effectively  
5813 engage a wide range of racial, ethnic, cultural, and (~~(socio-economic)~~) socioeconomic  
5814 groups, including communities that are the most impacted; and

5815 (7) considered evaluation of any applicable prior review conducted by a public  
5816 agency, local government or (~~(stakeholder group)~~) interested party.

5817 d. As part of permit application submittal, a greenhouse gas impact analysis shall  
5818 be prepared by the applicant for all proposals for new, modified, or expanded fossil fuel  
5819 facilities. The results of this analysis shall be used to identify and mitigate the impacts of  
5820 such facilities.

5821 e. New, modified, or expanded fossil fuel facilities shall:

5822 (1) not be located within one thousand feet from any schools, medical care  
5823 facilities, or places of assembly that have occupancies of greater than one thousand persons;

5824 (2) not be located within two hundred fifty feet from a regulated wetland or  
5825 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the  
5826 buffer in K.C.C. chapter 21A.24 shall apply;

5827 (3) maintain an interior setback of at least two hundred feet;

5828 (4) store fossil fuels completely within enclosed structures, tanks, or similar  
5829 facilities; and

5830 (5) be accessed directly to and from an arterial roadway.

5831 28. Limited to uses that will not convert more than two acres of farmland or  
5832 forestland, or 2.5 percent of the farmland or forestland, whichever is less.

5833 29.a. Before filing an application with the department, the applicant shall hold a  
5834 community meeting in accordance with K.C.C. 20.20.035.

5835 b. As part of permit application submittal for non-hydroelectric generation  
5836 facilities, the applicant shall submit the following documentation:

5837 (1) an inventory of similar existing facilities in King County and neighboring  
5838 counties, including their locations and capacities;

5839 (2) a report demonstrating that the facility would serve a significant portion of  
5840 the county, metropolitan region or is part of a statewide or national system;

5841 (3) a forecast of the future needs for the facility;

5842 (4) an ~~((analysis of the potential social and economic impacts and benefits to~~  
5843 ~~jurisdictions and local communities receiving or surrounding the facility))~~ equity impact  
5844 review of the proposal using tools developed by the office of equity and racial and social  
5845 justice. The results from the equity impact review shall be used to assess equity impacts and  
5846 opportunities during county permit review and may be used to inform determinations of  
5847 project approval;

5848 (5) an analysis of alternatives to the facility, including location, conservation,  
5849 demand management, and other strategies;

5850 (6) an analysis of economic and environmental impacts, including mitigation, of  
5851 any similar existing facilities and of any new site~~((s))~~ or sites under consideration as an  
5852 alternative to expansion of an existing facility;

5853 (7) an extensive public involvement strategy (~~which~~) that strives to effectively  
5854 engage a wide range of racial, ethnic, cultural, and socioeconomic groups, including  
5855 communities that are the most impacted; and

5856 (8) considered evaluation of any applicable prior review conducted by a public  
5857 agency, local government or (~~stakeholder group~~) interested party.

5858 c. As part of permit application submittal, a greenhouse gas impact analysis shall  
5859 be prepared by the applicant. The results of this analysis shall be used to identify and  
5860 mitigate the impacts of such facilities.

5861 30.a. For all search and rescue facilities:

5862 (1) the minimum lot size is four and one half acres;

5863 (2) structures and parking areas for search and rescue facilities shall maintain a  
5864 minimum distance of seventy-five feet from interior lot lines that adjoin rural area and  
5865 residential zones, unless located in a building designated as historic resource under K.C.C.  
5866 chapter 20.62;

5867 (3) use of the search and rescue facility is limited to activities directly relating to  
5868 the search and rescue organization, except that the facility may be used by law enforcement  
5869 and other public emergency responders for training and operations related to search and  
5870 rescue activities; and

5871 (4) the applicant must demonstrate the absence of existing search and rescue  
5872 facilities that are adequate to conduct search and rescue operations in the rural area.

5873 b. A special use permit is required when helicopter fueling, maintenance, or  
5874 storage is proposed.

5875

SECTION 110. Ordinance 10870, Section 340, as amended, and K.C.C.

5876 21A.12.030 are hereby amended to read as follows:

5877

A. Densities and dimensions – residential and rural zones.

<b>((RURAL))</b>	<b>RURAL AREA</b>				<b>RESIDENTIAL</b>								
<b>STANDARDS</b>	<b>RA- 2.5</b>	<b>RA- 5</b>	<b>RA- 10</b>	<b>RA- 20</b>	<b>UR</b>	<b>R-1 (17)</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R- 12</b>	<b>R- 18</b>	<b>R- 24</b>	<b>R-48</b>
Base Density: Dwelling Unit/Acre (15) (28)	0.2 du/a c	0.2 du/a c	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ ac	4 du/ ac (6)	6 du/ac	8 du/ac	12 du/a c	18 du/a c	24 du/a c	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a c (20)					<u>1.5</u> du/ac (22)	6 du/ ac (22)	9 du/ac 12 du/ac (27) 8 du/ ac (27) <u>(34)</u>	12 du/ac (22) 16 du/ac (27) <u>(34)</u>	18 du/a c (22) 24 du/a c (27) <u>(34)</u>	27 du/a c (22) 36 du/a c (27) <u>(34)</u>	36 du/a c (22) 48 du/a c (27) <u>(34)</u>	72 du/ac (22) 96 du/ac (27) <u>(34)</u>
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18) (18)	85% (12) (18) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac			10,00 0 sf (31)						
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8) 20 ft (31)	10 ft (8)	10 ft (8)	10 ft (8) (30)	10 ft (8) (30)	10ft (8) (30)	10 ft (8) (30)

Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft (29)	5 ft (31)	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft	35 ft (25a)	35 ft (25a)	35 ft (25a)	60 ft	60 ft	60 ft	60 ft
Maximum Height	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4) <u>35 ft (32)</u>	30 ft (25b) 75 ft (4) <u>35 ft (32)</u>	45 ft (14) 30 ft (25b) 75 ft (4) <u>35 ft (32)</u>	45 ft (14) 30 ft (25b) 75 ft (4) <u>35 ft (32)</u>	75 ft (4) 80 ft (14) <u>35 ft (32)</u>	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25 % (11) (19) (26)	20 % (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26) (30)	85% (26) (30)	85% (26) (30)	90% (26) (30)	

5878

B. Development conditions.

5879

1. This maximum density may be achieved only through the application of:

5880

a. ~~((residential density incentives in accordance with K.C.C. chapter 21A.34~~

5881

~~or))~~ transfers of development rights in accordance with K.C.C. chapter 21A.37, ~~((or any~~

5882

~~combination of density incentive or density transfer))~~ except for properties within the

5883

Skyway-West Hill or North Highline community service area subarea geographies; ((or))

5884

b. ~~((for properties within the Skyway-West Hill or North Highline community~~

5885

~~service area subarea geographies, only as provided in the))~~ inclusionary housing

5886

regulations in accordance with K.C.C. chapter 21A.48;

5887

c. K.C.C. 21A.08.030.B.19.; or

5888                    d. a one hundred and fifty percent bonus as allowed in subsection B.22.c. of  
5889 this section.

5890                    2. Also see K.C.C. 21A.12.060.

5891                    3. These standards may be modified under the provisions for zero-lot-line and  
5892 townhouse developments.

5893                    4.a. Portions of a structure may exceed the base height if one additional foot of  
5894 street and interior setback is provided for each foot above the base height. The following  
5895 restrictions apply:

5896                    (1) for netting or fencing and support structures for the netting or fencing  
5897 used to contain golf balls in the operation of golf courses or golf driving ranges, the  
5898 maximum height shall not exceed seventy-five feet, except for recreation or multiuse  
5899 parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a  
5900 golf ball trajectory study requires a higher fence. All such netting, fencing, and support  
5901 structures are exempt from the additional interior setback requirement, regardless of  
5902 whether located in a recreation or multiuse park;

5903                    (2) properties (~~within the Skyway West Hill or North Highline community~~  
5904 ~~service area subarea geographies~~) with inclusionary housing developed in accordance  
5905 with K.C.C. chapter 21A.48 shall not increase height through this method; and

5906                    (3) for all other structures, the maximum height achieved through this method  
5907 shall not exceed seventy-five feet.

5908                    b. Accessory dwelling units and accessory living quarters shall not exceed base  
5909 heights, except that this requirement shall not apply to accessory dwelling units  
5910 constructed wholly within an existing dwelling unit.

5911 5. Applies to each individual lot. Impervious surface area standards for:  
5912 a. Regional uses shall be established at the time of permit review;  
5913 b. Nonresidential uses in rural area and residential zones shall comply with  
5914 K.C.C. 21A.12.120 and 21A.12.220;  
5915 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand  
5916 seventy-six square feet in area shall be subject to the applicable provisions of the nearest  
5917 comparable R-6 or R-8 zone; and  
5918 d. A lot may be increased beyond the total amount permitted in this chapter  
5919 subject to approval of a conditional use permit.  
5920 6. Mobile home parks shall be allowed a base density of six dwelling units per  
5921 acre.  
5922 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand  
5923 square feet in area.  
5924 8. At least twenty linear feet of driveway shall be provided between any garage,  
5925 carport, or other fenced parking area and the street property line. The linear distance  
5926 shall be measured along the center line of the driveway from the access point to such  
5927 garage, carport, or fenced area to the street property line.  
5928 9.a. Residences shall have a setback of at least one hundred feet from any  
5929 property line adjoining A, M, or F zones or existing extractive operations. However,  
5930 residences on lots less than one hundred fifty feet in width adjoining A, M, or F zones or  
5931 existing extractive operations shall have a setback from the rear property line equal to  
5932 fifty percent of the lot width and a setback from the side property equal to twenty-five  
5933 percent of the lot width.

5934           b. Except for residences along a property line adjoining A, M, or F zones or  
5935 existing extractive operations, lots between one acre and two and one-half acres in size  
5936 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
5937 to the requirements of the R-4 zone.

5938           10.a. For developments consisting of three or more single-detached dwellings  
5939 located on a single parcel, the setback shall be ten feet along any property line abutting  
5940 R-1 through R-8, RA, and UR zones, except for structures in on-site play areas required  
5941 in K.C.C. 21A.14.190, which shall have a setback of five feet.

5942           b. For townhouse and apartment development, the setback shall be twenty feet  
5943 along any property line abutting R-1 through R-8, RA, and UR zones, except for  
5944 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback  
5945 of five feet, unless the townhouse or apartment development is adjacent to property upon  
5946 which an existing townhouse or apartment development is located.

5947           11. Lots smaller than one-half acre in area shall comply with standards of the  
5948 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
5949 larger, the maximum impervious surface area allowed shall be at least ten thousand  
5950 square feet. On any lot over one acre in area, an additional five percent of the lot area  
5951 may be used for buildings related to agricultural or forestry practices. For lots smaller  
5952 than two acres but larger than one-half acre, an additional ten percent of the lot area may  
5953 be used for structures that are determined to be medically necessary, if the applicant  
5954 submits with the permit application a notarized affidavit, conforming with K.C.C.  
5955 21A.32.170A.2.

5956           12. For purposes of calculating minimum density, the applicant may request that



5957 the minimum density factor be modified based upon the weighted average slope of the  
5958 net buildable area of the site in accordance with K.C.C. 21A.12.087.

5959 13. The minimum lot area does not apply to lot clustering proposals as provided  
5960 in K.C.C. chapter 21A.14, except in the Rural Town of Fall City between the effective  
5961 date of Ordinance 19690 and thirteen months after the effective date of Ordinance 19690.

5962 14. This maximum height is only allowed as follows:

5963 a. in R-6 and R-8 zones, for a building with a footprint built on slopes  
5964 exceeding a fifteen percent finished grade; and

5965 b. in R-18, R-24, and R-48 zones, only through application of:

5966 (1) (~~for properties within the Skyway-West Hill or North Highline~~  
5967 ~~community service area subarea geographies, only if meeting the requirements of~~)

5968 inclusionary housing regulations in accordance with K.C.C. chapter 21A.48; or

5969 (2) (~~for all other properties, using residential density incentives and~~) transfer  
5970 of (~~density credits~~) development rights in accordance with (~~this title~~) K.C.C. chapter  
5971 21A.37, except for properties within the Skyway-West Hill or North Highline community  
5972 service area subarea geographies.

5973 15. Density applies only to dwelling units and not to sleeping units.

5974 16. Vehicle access points from garages, carports, or fenced parking areas shall  
5975 be set back from the property line on which a joint use driveway is located to provide a  
5976 straight line length of at least twenty-six feet as measured from the center line of the  
5977 garage, carport, or fenced parking area, from the access point to the opposite side of the  
5978 joint use driveway.

5979 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to

5980 be clustered if the property is located within or contains:

5981 (1) a floodplain;

5982 (2) a critical aquifer recharge area;

5983 (3) a regionally or locally significant resource area;

5984 (4) existing or planned public parks or trails, or connections to such facilities;

5985 (5) a category type S or F aquatic area or category I or II wetland;

5986 (6) a steep slope; or

5987 (7) an urban separator or wildlife habitat network designated by the

5988 Comprehensive Plan (~~or a community plan~~).

5989 b. The development shall be clustered away from critical areas or the axis of  
5990 designated corridors such as urban separators or the wildlife habitat network to the extent  
5991 possible and the open space shall be placed in a separate tract that includes at least fifty  
5992 percent of the site. Open space tracts shall be permanent and shall be dedicated to a  
5993 (~~homeowner's~~) homeowners association or other suitable organization, as determined  
5994 by the director, and meet the requirements in K.C.C. 21A.14.040. On-site critical area  
5995 and buffers and designated urban separators shall be placed within the open space tract to  
5996 the extent possible. Passive recreation, with no development of recreational facilities,  
5997 and natural-surface pedestrian and equestrian trails are acceptable uses within the open  
5998 space tract.

5999 18. See K.C.C. 21A.12.085.

6000 19. All subdivisions and short subdivisions in R-1 and RA zones within the  
6001 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
6002 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and

6003 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
6004 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
6005 maximum impervious surface area of eight percent of the gross acreage of the plat.  
6006 Distribution of the allowable impervious area among the platted lots shall be recorded on  
6007 the face of the plat. Impervious surface of roads need not be counted towards the  
6008 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
6009 more restrictive shall be required.

6010           20. This density may only be achieved on RA 2.5 zoned parcels receiving  
6011 density from rural forest focus areas through a transfer of density credit (~~(pursuant to)~~)  
6012 under K.C.C. chapter 21A.37.

6013           21. Base density may be exceeded, if the property is located in a designated  
6014 (~~(rural city u))~~Urban (~~(g))~~Growth (~~(a))~~Area for Cities in the Rural Area and each  
6015 proposed lot contains an occupied legal residence that predates 1959.

6016           22.a. The maximum density is four dwelling units per acre for properties zoned  
6017 R-4 when located in the Rural Town of Fall City.

6018           b. For properties within the Skyway-West Hill or North Highline community  
6019 service area subarea geographies, only as provided in the inclusionary housing  
6020 regulations in K.C.C. chapter 21A.48 or subsection B.22.c. of this section.

6021           c. In the R-1 through R-48 zones, for duplex, triplex, fourplex, or townhouse  
6022 developments with nine or fewer units and when located within a half mile of high-  
6023 capacity or frequent transit as defined in the King County Countywide Planning Policies.

6024           23. The subdivision or short subdivision of property within the Rural Town of  
6025 Fall City is not required to meet with the minimum density requirements of this chapter.

6026           24. The impervious surface standards for the county fairground facility are  
6027 established in the King County Fairgrounds Site Development Plan, Attachment A to  
6028 Ordinance 14808, on file at the department of natural resources and parks and the  
6029 department of local services, permitting division. Modifications to that standard may be  
6030 allowed provided the square footage does not exceed the approved impervious surface  
6031 square footage established in the King County Fairgrounds Site Development Plan  
6032 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,  
6033 by more than ten percent.

6034           25. For cottage housing developments only:

6035           a. The base height is twenty-five feet.

6036           b. Buildings that have pitched roofs with a minimum slope of six over twelve  
6037 may achieve a maximum height of thirty feet at the ridge of the roof.

6038           26. Impervious surface does not include access easements serving neighboring  
6039 property and driveways to the extent that they extend beyond the street setback due to  
6040 location within an access panhandle or due to the application of King County Code  
6041 requirements to locate features over which the applicant does not have control.

6042           27.a. For properties within the Skyway-West Hill or North Highline community  
6043 service area subarea geographies, only in accordance with the inclusionary housing  
6044 regulations in K.C.C. chapter 21A.48.

6045           b. For all other properties, only for:

6046           (1) in accordance with (~~K.C.C. 21A.34.040.F.1.g., F.6.~~) K.C.C. chapter

6047 21A.48; or

6048           (2) a project using the transfer of development rights affordable housing pilot

6049 program in accordance with K.C.C. 21A.37.130.A.2., except for properties within the  
6050 Skyway-West Hill or North Highline community service area subarea geographies.

6051 28. On a site zoned RA with a building listed ~~((h))~~ in the ((h))National  
6052 ~~((r))~~Register of ((h))Historic ~~((p))~~Places, additional dwelling units in excess of the  
6053 maximum density may be allowed under K.C.C. 21A.12.042.

6054 29. Height and setback requirements shall not apply to regional transit authority  
6055 facilities.

6056 30. Properties within the North Highline community service area subarea  
6057 geography shall meet the setback and GreenCenter requirements in K.C.C. chapter  
6058 21A.XX (the new chapter created in section 8 of Ordinance 19687).

6059 31 Applies only in the Rural Town of Fall City between the effective date of  
6060 Ordinance 19690 and thirteen months after the effective date of Ordinance 19690.

6061 32. For properties in Vashon Rural Town. Floors above two stories shall be  
6062 setback at least an additional ten feet from the setbacks in this section.

6063 33. A safe parking site shall be setback at least ten feet from adjacent residential  
6064 uses and R zoned properties.

6065 34. If served by public sewers, mobile home parks can have one additional unit  
6066 per mobile home parking space or pad provided for the relocation of a mobile home that  
6067 has been or will be displaced due to closure of a mobile home park in King County, up to  
6068 the maximum density allowed for the zone.

6069 SECTION 111. Ordinance 10870, Section 341, as amended, and K.C.C.  
6070 21A.12.040 are hereby amended to read as follows:

6071 A. Densities and dimensions - resource and commercial/industrial zones.

STANDARD	RESOURCE				COMMERCIAL/INDUSTRIAL				
	A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)	0.1 du/ ac	.0286 du/ac	.0125 du/ac		8 du/ac (2) <u>1 du</u> <u>(22)</u>	48 du/ac (2)	36 du/ac (2) 48 du/ac <u>((4))</u>	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre					12 du/ac (3) 16 du/ac (15)	72 du/ac (16) 96 du/ac (17)	48 du/ac (3) 72 du/ac (16) 96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area	10 acr es	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5) (21)	10 ft (5) (21)	10 ft (5) (21)	10 ft (21)	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (14) (21)	20 ft (7) (21) <u>(23)</u>	20 ft (7) (21) <u>(23)</u>	20 ft (7) (21) <u>(23)</u>	20 ft (7) 50 ft (8)
Base Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	<u>35 ft</u> <u>(24)</u> 45 ft	<u>35ft</u> <u>(24)</u> 45 ft
Maximum Height	75 ft (10 )	75 ft (10)	75 ft (10)	75 ft (10)	<u>35 ft (24)</u> 45 ft (6) 65 ft (20) 75 ft (10)	<u>35 ft (24)</u> 60 ft (6) 65 ft (17) 75 ft (10)	<u>35 ft (24)</u> 65 ft (6) 75 ft (10) 85 ft (20)	<u>35 ft</u> <u>(24)</u> 65 ft (6) 75 ft	<u>35 ft (24)</u> 75 ft (10)

						80 ft (20)		(10) 85 ft (20)	
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15 % 35 % (11 )	10% 35% (11)	10% 35% (11)		85% (21)	85% (21)	90% (21)	75% (21)	90%

6072

B. Development conditions.

6073

1. (~~In the RB zone on property located within the Potential Annexation Area of~~

6074

~~a rural city, this density is not allowed.)) Repealed.~~

6075

2. These densities are allowed only in the urban area and rural towns through

6076

the application of mixed-use development standards and, in the NB zone on property in

6077

the urban area designated commercial outside of center, for stand-alone townhouse

6078

development.

6079

3. These densities may only be achieved:

6080

a. (~~for properties within the Skyway-West Hill or North Highline community~~

6081

~~service area subarea geographies,))~~ as provided in the inclusionary housing regulations in

6082

K.C.C. chapter 21A.48; (~~or~~)

6083

b. (~~for all other properties,))~~ through the application of (~~residential density~~

6084

~~incentives or~~) transfer of development rights in mixed-use developments (~~and,))~~ in the

6085

urban area or rural towns in accordance with K.C.C. chapter 21A.37, except for

6086

properties within the Skyway-West Hill or North Highline community service area

6087 subarea geographies; or

6088           c. in the NB zone on property in the urban area designated commercial outside  
6089 of center, for stand-alone townhouse development. ((See K.C.C. chapters 21A.34 and  
6090 21A.37.))

6091           4.a. in the F zone, scaling stations may be located thirty-five feet from property  
6092 lines. Residences shall have a setback of at least thirty feet from all property lines.

6093           b. for lots between one acre and two and one-half acres in size, the setback  
6094 requirements of the R-1 zone shall apply. For lots under one acre, the setback  
6095 requirements of the R-4 zone shall apply.

6096           c. for developments consisting of three or more single-detached dwellings  
6097 located on a single parcel, the setback shall be ten feet along any property line abutting  
6098 R-1 through R-8, RA, and UR zones.

6099           5. Gas station pump islands shall be placed no closer than twenty-five feet to  
6100 street front lines.

6101           6. This maximum height allowed only for:

6102           a. mixed-use developments; and

6103           b. stand-alone townhouse development in the NB zone on property designated  
6104 commercial outside of center in the urban area.

6105           7. Required on property lines adjoining rural area and residential zones.

6106           8. Required on property lines adjoining rural area and residential zones for  
6107 industrial uses established by conditional use permits.

6108           9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.  
6109 chapter 21A.14 or ((the requirements of)) K.C.C. chapter 21A.48.



6110 10. Portions of a structure may exceed the base height if one additional foot of  
6111 street and interior setback is provided for each foot above the base height. The following  
6112 restrictions apply:

6113 a. for netting or fencing, and support structures for the netting or fencing used  
6114 to contain golf balls in the operation of golf courses or golf driving ranges, the maximum  
6115 height shall not exceed seventy-five feet. All such netting, fencing, and support  
6116 structures are exempt from the additional interior setback requirement;

6117 b. properties (~~within the Skyway West Hill or North Highline community~~  
6118 ~~service area subarea planning geographies~~) with inclusionary housing developed in  
6119 accordance with K.C.C. chapter 21A.48 shall not increase height through this method;  
6120 and

6121 c. (~~mixed-use developments outside the Skyway West Hill or North Highline~~  
6122 ~~community service subarea geographies are not subject to a height restriction when using~~  
6123 ~~this method; and~~

6124 ~~d.))~~ for all other structures, the maximum height achieved through this method  
6125 shall not exceed seventy-five feet.

6126 11. Applicable only to lots containing less than one acre of lot area.  
6127 Development on lots containing less than fifteen thousand square feet of lot area shall be  
6128 governed by impervious surface standards of the nearest comparable R-4 through R-8  
6129 zone.

6130 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

6131 13. The impervious surface area for any lot may be increased beyond the total  
6132 amount permitted in this chapter subject to approval of a conditional use permit.

6133           14. Required on property lines adjoining rural area and residential zones unless  
6134 a stand-alone townhouse development on property designated commercial outside of  
6135 center in the urban area is proposed to be located adjacent to property upon which an  
6136 existing townhouse development is located.

6137           15.a. For properties within the Skyway-West Hill or North Highline community  
6138 service area subarea geographies, only as provided in the inclusionary housing  
6139 regulations in K.C.C. chapter 21A.48.

6140           b. For all other properties, only ~~((as provided for walkable communities under~~  
6141 ~~K.C.C. 21A.34.040.F.8. well served by transit or))~~ for a mixed-use ~~((development~~  
6142 ~~through the application of rural area and residential density incentives under K.C.C.~~  
6143 ~~21A.34.040.F.1.g.))~~ in accordance with K.C.C. chapter 21A.48.

6144           16.a. For properties within the Skyway-West Hill or North Highline community  
6145 service area subarea geographies, only as provided in the inclusionary housing  
6146 regulations in K.C.C. chapter 21A.48.

6147           b. For all other properties, only for mixed-use development through the  
6148 application of ~~((residential density incentives under K.C.C. chapter 21A.34))~~ inclusionary  
6149 housing regulations in accordance with K.C.C. chapter 21A.48 or the transfer of  
6150 development rights ~~((under))~~ in urban areas and rural towns in accordance with K.C.C.  
6151 chapter 21A.37. ~~((In the RB zone on property located within the Potential Annexation~~  
6152 ~~Area of a rural city, this density is not allowed.))~~

6153           17.a. For properties within the Skyway-West Hill or North Highline community  
6154 service area subarea geographies, only as provided in the inclusionary housing  
6155 regulations in K.C.C. chapter 21A.48.

6156            b. For properties in Snoqualmie Pass Rural Town developed under K.C.C.  
6157 chapter 21A.48.

6158            c. For all other properties, only for mixed-use development through the  
6159 application of ~~((residential density incentives under K.C.C. chapter 21A.34))~~ inclusionary  
6160 housing regulations in accordance with K.C.C. chapter 21A.48 or the transfer of  
6161 development rights ~~((under))~~ in urban areas and rural towns in accordance with K.C.C.  
6162 chapter 21A.37. Upper-level setbacks are required for any facade facing a pedestrian  
6163 street for any portion of the structure greater than forty-five feet in height. The upper-  
6164 level setback shall be at least one foot for every two feet of height above forty-five feet,  
6165 up to a maximum required setback of fifteen feet. The first four feet of horizontal  
6166 projection of decks, balconies with open railings, eaves, cornices, and gutters shall be  
6167 permitted in required setbacks. ~~((In the RB zone on property located within the Potential~~  
6168 ~~Annexation Area of a rural city, this density is not allowed.))~~

6169            18. Required on property lines adjoining rural area and residential zones only  
6170 for a social service agency office reusing a residential structure in existence on January 1,  
6171 2010.

6172            19. On a site zoned A with a building designated as a county landmark in  
6173 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess  
6174 of the maximum density may be allowed under K.C.C. 21A.12.042.

6175            20. This maximum height allowed only for properties ~~((within the Skyway West~~  
6176 ~~Hill or North Highline community service area subarea geographies, if meeting the~~  
6177 ~~requirements of))~~ with inclusionary housing developed in accordance with K.C.C.  
6178 chapter 21A.48.

6179           21. Properties within the North Highline community service area subarea  
6180 geography shall meet the setback and GreenCenter requirements in K.C.C. chapter  
6181 21A.XX (the new chapter created in section 8 of Ordinance 19687).

6182           22. Only when consistent with 21A.08.030.B.19.

6183           23. A safe parking site shall be setback at least ten feet from adjacent residential  
6184 uses and R zoned properties.

6185           24. For properties in Vashon Rural Town. Floors above two stories shall be  
6186 setback at least an additional ten feet from the setbacks in this section.

6187           SECTION 112. Ordinance 10870, Section 344, as amended, and K.C.C.  
6188 21A.12.070 are hereby amended to read as follows:

6189           Permitted number of units, ~~(( $\infty$ ))~~ lots, or floor area shall be determined as follows:

6190           A. The allowed number of dwelling units or lots ~~(( $\infty$ ))~~, which is "base  
6191 density( $\infty$ )", shall be computed by multiplying the site area specified in K.C.C.  
6192 21A.12.080 by the applicable residential base density number;

6193           B. The maximum density (unit or lot) limits shall be computed by adding the  
6194 bonus or transfer units authorized by K.C.C. chapters ~~((21A.34,))~~ 21A.37 and 21A.48 to  
6195 the base units computed under subsection A, of this section;

6196           C. The allowed floor area, which excludes structured or underground parking  
6197 areas and areas housing mechanical equipment, shall be computed by applying the floor-  
6198 to-lot area ratio to the project site area specified in K.C.C. 21A.12.080;

6199           D. If calculations result in a fraction, the fraction shall be rounded to the nearest  
6200 whole number as follows, except as provided in subsection E, of this section and K.C.C.  
6201 21A.48.050:

- 6202 1. Fractions of 0.50 or above shall be rounded up; and  
6203 2. Fractions below 0.50 shall be rounded down; and  
6204 E. For subdivisions and short subdivisions in the RA and A zones, rounding up of  
6205 the number of development units or lots is not allowed.

6206 SECTION 113. Ordinance 10870, Section 355, as amended, and K.C.C.

6207 21A.12.180 are hereby amended to read as follows:

6208 The following structures may be erected above the height limits of K.C.C.

6209 21A.12.030((-) through 21A.12.050.

6210 A. Roof structures housing or screening elevators, stairways, tanks, ventilating fans,  
6211 or similar equipment required for building operation and maintenance; and

6212 B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, ((~~church~~))  
6213 religious facility steeples, crosses, spires, communication transmission and receiving  
6214 structures, utility line towers and poles, and similar structures.

6215 SECTION 114. Ordinance 10870, Section 357, as amended, and K.C.C.

6216 21A.12.200 are hereby amended to read as follows:

6217 When a lot or site is divided by a zone boundary, the following applies:

6218 A. If a lot or site contains both rural area or residential and nonresidential zoning,  
6219 the zone boundary between the rural area or residential zone and the nonresidential zone  
6220 shall be considered a lot line for determining permitted building height and required  
6221 setbacks on the site((-));

6222 B. If a lot or site contains residential zones of varying density:

6223 1. Any residential density transfer within the lot or site shall be allowed if:

6224           a. the density, as a result of moving dwelling units from one lot to another lot  
6225 within a site or across zone lines within a single lot, does not exceed one hundred fifty  
6226 percent of the base density on any of the lots or portions of a lot to which the density is  
6227 transferred;

6228           b. the transfer does not reduce the minimum density achievable on the lot or site;

6229           c. the transfer enhances the efficient use of needed infrastructure;

6230           d. the transfer does not result in significant adverse impacts to the low density  
6231 portion of the lot or site;

6232           e. the transfer contributes to preservation of environmentally sensitive areas,  
6233 wildlife corridors, or other natural features; and

6234           f. the transfer does not result in significant adverse impacts to adjoining lower  
6235 density properties;

6236           2. Residential density transfers from one lot to another lot within a site or from one  
6237 portion of a lot to another portion of a lot across a zone line shall not be allowed in the RA  
6238 zone;

6239           3. Residential density transfers shall not be allowed to a lot or portion of a lot  
6240 zoned R-1;

6241           4. Compliance with the criteria in this subsection B<sub>2</sub> shall be evaluated during  
6242 review of any development proposals in which such a transfer is proposed; and

6243           ~~((5. Residential density transfers from one lot to another lot within a site or from  
6244 one portion of a lot to another portion of a lot across a zone line shall not, in of itself, be  
6245 considered development above the base density for purposes of requiring a conditional use  
6246 permit for apartments or townhouses in the R-1 through R-8 zones.))~~

6247 C. Uses on each portion of the lot shall only be those permitted in each zone in  
6248 accordance with K.C.C. chapter 21A.08.

6249 SECTION 115. Ordinance 10870, Section 3559, as amended, and K.C.C.  
6250 21A.12.220 are hereby amended to read as follows:

6251 Except for utility facilities, uses listed in K.C.C. 21A.08.100, and nonresidential uses  
6252 regulated by K.C.C. 21A.12.230, all nonresidential uses located in the RA, UR, or R zones  
6253 shall be subject to the following requirements:

6254 A. Impervious surface coverage shall not exceed:

- 6255 1. Forty percent of the site in the RA zone.  
6256 2. Seventy percent of the site in the UR and the R-1 through R-8 zones.  
6257 3. Eighty percent of the site in the R-12 through R-48 zones.

6258 B. Buildings and structures, except fences and wire or mesh backstops, shall not be  
6259 closer than 30 feet to any property line, except as provided in subsection C of this section.

6260 C. Single detached dwelling allowed as accessory to a (~~church~~) religious facility  
6261 or school shall conform to the setback requirements of the zone.

6262 D. Parking areas are permitted within the required setback area from property lines,  
6263 provided such parking areas are located outside of the required landscape area.

6264 E. Sites shall abut or be accessible from at least one public street functioning at a  
6265 level consistent with King County Road Design Standards. New high school sites shall abut  
6266 or be accessible from a public street functioning as an arterial per the King County Design  
6267 Standards.

6268 F. The base height shall conform to the zone in which the use is located.

6269 G. Building illumination and lighted signs shall be designed so that no direct rays of  
6270 light are projected into neighboring residences or onto any street right-of-way.

6271 SECTION 116. Ordinance 10870, Section 364, as amended, and K.C.C.

6272 21A.14.040 are hereby amended to read as follows:

6273 Residential lot clustering is allowed in the R, UR<sub>2</sub> and RA zones. If residential lot  
6274 clustering is proposed, the following requirements shall be met:

6275 A. In the R zones, any designated open space tract resulting from lot clustering shall  
6276 not be altered or disturbed except as specified on recorded documents creating the open  
6277 space. Open spaces may be retained under ownership by the subdivider, conveyed to  
6278 residents of the development or conveyed to a third party. If access to the open space is  
6279 provided, the access shall be located in a separate tract;

6280 B. In the RA zone:

6281 1. No more than eight lots of less than two and one-half acres shall be allowed in a  
6282 cluster;

6283 2. No more than eight lots of less than two and one-half acres shall be served by a  
6284 single cul-de-sac street;

6285 3. Clusters containing two or more lots of less than two and one-half acres,  
6286 whether in the same or adjacent developments, shall be separated from similar clusters by at  
6287 least one hundred twenty feet;

6288 4. The overall amount, and the individual degree of clustering shall be limited to a  
6289 level that can be adequately served by rural facilities and services, including, but not limited  
6290 to, on-site sewage disposal systems and rural roadways;



6291           5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040, shall  
6292 be provided along the frontage of all public roads when adjoining differing types of  
6293 development such as commercial and industrial uses, between differing types of residential  
6294 development and to screen industrial uses from the street. The planting materials shall  
6295 consist of species that are native to the Puget Sound region. Preservation of existing healthy  
6296 vegetation is encouraged and may be used to augment new plantings to meet the  
6297 requirements of this section;

6298           6. Except as provided in subsection B.7. of this section, open space tracts created  
6299 by clustering in the RA zone shall be designated as permanent open space. Acceptable uses  
6300 within open space tracts are passive recreation, with no development of active recreational  
6301 facilities, natural-surface pedestrian and equestrian foot trails, and passive recreational  
6302 facilities(~~(A resource tract created under K.C.C. 16.82.152.E. may be considered an open~~  
6303 ~~space tract for purposes of this subsection B.6));~~

6304           7.a. In the RA zone a resource tract may be created through a cluster development  
6305 in lieu of an open space tract. (~~(A resource tract created under K.C.C. 16.82.152.E. may be~~  
6306 ~~considered a resource tract for purposes of this subsection B.7.)) The resource tract may be  
6307 used as a working forest or farm if:~~

6308           (1) the department determines the resource tract is suitable for forestry or  
6309 agriculture; and

6310           (2) the applicant submits a forest management plan prepared by a professional  
6311 forester that has been approved by the King County department of natural resources and  
6312 parks, or a farm management plan developed by the King Conservation District. The  
6313 management plan must:

6314 (a) ensure that forestry or farming will remain as a sustainable use of the  
6315 resource tract;

6316 (b) set impervious surface and clearing limitations and identify the type of  
6317 buildings or structures that will be allowed within the resource tract; and

6318 (c) if critical areas are included in the resource tract, clearly distinguish between  
6319 the primary purpose of the resource portion of the tract and the primary purpose of the  
6320 critical area portion of the tract as required under K.C.C. 21A.24.180.

6321 b. The recorded plat or short plat shall designate the resource tract as a working  
6322 forest or farm.

6323 c. If the applicant conveys the resource tract to residents of the development, the  
6324 resource tract shall be retained in undivided interest by the residents of the subdivision or  
6325 short subdivision.

6326 d. A homeowners association shall be established to ensure implementation of the  
6327 forest management plan or farm management plan if the resource tract is retained in  
6328 undivided interest by the residents of the subdivision or short subdivision.

6329 e. The applicant shall file a notice with the King County department of executive  
6330 services, records, and licensing services division. The required contents and form of the  
6331 notice shall be ~~((set forth))~~ established in a public rule. The notice shall inform the property  
6332 owner or owners that the resource tract is designated as a working forest or farm~~((;))~~ that  
6333 must be managed in accordance with the ~~((provisions established in the))~~ approved forest  
6334 management plan or farm management plan.

6335 f. The applicant shall provide to the department proof of the approval of the forest  
6336 management plan or farm management plan and the filing of the notice required in  
6337 subsection B.7.g. of this section before recording of the final plat or short plat.

6338 g. The notice shall run with the land.

6339 h. Natural-surface pedestrian and equestrian foot trails, passive recreation, and  
6340 passive recreational facilities, with no development of active recreational facilities, are  
6341 allowed uses in resource tracts; and

6342 8. The requirements of subsection B.1., 2., or 3. of this subsection may be  
6343 modified or waived by the director if the property is encumbered by critical areas containing  
6344 habitat for, or there is the presence of, species listed as threatened or endangered under the  
6345 Endangered Species Act when it is necessary to protect the habitat; and

6346 C. In the R-1 zone, open space tracts created by clustering required by K.C.C.  
6347 21A.12.030 shall be located and configured to create urban separators and greenbelts, as  
6348 required by the ~~((e))~~Comprehensive ~~((p))~~Plan, ~~((o))~~ subarea plans, or open space functional  
6349 plans, to connect and increase protective buffers for critical areas, to connect and protect  
6350 wildlife habitat corridors designated by the ~~((e))~~Comprehensive ~~((p))~~Plan and to connect  
6351 existing or planned public parks or trails. The department may require open space tracts  
6352 created under this subsection to be dedicated to an appropriate managing public agency or  
6353 qualifying private entity such as a nature conservancy. In the absence of such a  
6354 requirement, open space tracts shall be retained in undivided interest by the residents of the  
6355 subdivision or short subdivision. A homeowners association shall be established for  
6356 maintenance of the open space tract.

6357            SECTION 117. Ordinance 10870, Section 367, as amended, and K.C.C.  
6358 21A.14.070 are hereby amended to read as follows:  
6359            The standards of K.C.C. 21A.14.080 through 21A.14.090 shall apply to ~~((all))~~ new  
6360 ~~((apartment))~~ developments ~~((exceeding four dwelling units, new townhouse development))~~  
6361 with five or more and new group residences, except Class I Community Residential  
6362 Facilities ("CRF-I"). Expansions of existing development that involve ~~((four))~~ five or more  
6363 dwelling units shall be subject to compliance with K.C.C. 21A.14.080 ~~((to))~~ and  
6364 21A.14.090.

6365            SECTION 118. Ordinance 10870, Section 368, as amended, and K.C.C.  
6366 21A.14.080 are hereby amended to read as follows:  
6367            A. On sites abutting an alley constructed to a width of at least ~~((20))~~ twenty feet,  
6368 duplex, triplex, fourplex, apartment, and townhouse development and all group residences  
6369 except Class I Community Residential Facilities ("CRF-I") shall have parking areas placed  
6370 to the rear of buildings with primary vehicular access via the alley, except when waived by  
6371 the director due to physical site limitations.  
6372            B. When alley access is provided, no additional driveway access from the public  
6373 street shall be allowed except as necessary to access parking under the structure or for fire  
6374 protection.  
6375            C. When the number of uncovered common parking spaces for attached dwellings  
6376 and group residences exceed ~~((30))~~ thirty spaces and when there is alley access, no more  
6377 than ~~((50))~~ fifty percent of these uncovered parking spaces shall be permitted between the  
6378 street property line and any building, except when authorized by the director due to physical  
6379 site limitations.

6380            SECTION 119. Ordinance 10870, Section 369, as amended, and K.C.C.  
6381 21A.14.090 are hereby amended to read as follows:  
6382            Duplex, triplex, fourplex, ~~((A))~~apartment, and townhouse developments and all  
6383 group residences shall provide building facade modulation on facades exceeding ~~((60))~~ sixty  
6384 feet and facing abutting streets or properties zoned R-1 through R-4. The following  
6385 standards shall apply:  
6386            A. The maximum wall length without modulation shall be ~~((30))~~ thirty feet; ~~((and))~~  
6387            B. The sum of the modulation depth and the modulation width shall be no less than  
6388 eight feet. Neither the modulation depth nor the modulation width shall be less than two  
6389 feet~~((-))~~; and  
6390            C. Any other technique approved by the director that achieves the intent of this  
6391 section.

6392            SECTION 120. Ordinance 10870, Section 376, as amended, and K.C.C.  
6393 21A.14.160 are hereby amended to read as follows:  
6394            New mobile home parks shall be developed subject to the following standards:  
6395            A. A mobile home park shall be at least three acres in area;  
6396            B. Residential densities in a mobile home park shall be as follows:  
6397                1. Six dwellings per acre in R-4 zone;  
6398                2. The base density of the zone in which the park is located in all R-6 through R-48  
6399 zones; and  
6400                3. Mobile home parks shall be eligible to achieve the maximum density permitted  
6401 in the zone by providing the ~~((affordable))~~ displaced housing benefit for mobile home parks  
6402 ~~((set forth))~~ in K.C.C. ~~((21A.34))~~ 21A.12.030;

6403 C. Both insignia and non-insignia mobile homes may be installed in mobile home  
6404 parks, provided that non-insignia mobile homes shall meet the minimum livability and  
6405 safety requirements ((set forth)) in K.C.C. Title 16, Building Code;

6406 D. A mobile home park shall be exempt from impervious surface limits ((set forth))  
6407 in K.C.C. chapter 21A.12;

6408 E. At least one of the off-street parking spaces required for each mobile home shall  
6409 be located on or adjacent to each mobile home pad;

6410 F. Internal roads and sidewalks shall provide access to each mobile home space and  
6411 shall be constructed in accordance with the adopted King County road standards for  
6412 residential minor access streets;

6413 G. There shall be a minimum of ten feet of separation maintained between all  
6414 mobile homes on the site, unless the flexible setback option ((set forth)) in K.C.C.  
6415 21A.14.170 is used. Accessory structures shall be located no closer than:

6416 1. Ten feet to mobile homes on adjacent spaces, unless constructed of  
6417 noncombustible materials, in which case the minimum setback shall be five feet;

6418 2. Five feet to accessory structures of mobile homes on adjacent spaces; and

6419 3. Five feet to the mobile home or other accessory structures on the same space,  
6420 except a carport or garage may be attached to the mobile home, and the separation may be  
6421 waived when such structures are constructed of noncombustible materials;

6422 H. All mobile homes and ((RVs)) recreational vehicles supported by piers shall be  
6423 fully skirted; and

6424 I. A mobile home park may include a storage area for ((RVs)) recreational vehicles  
6425 owned by residents of the park, provided the storage area contains no utility hook-ups and  
6426 no ((RV)) recreational vehicle within the storage area shall be used as living quarters.

6427 SECTION 121. Ordinance 10870, Section 378, as amended, and K.C.C.

6428 21A.14.180 are hereby amended to read as follows:

6429 A. Residential developments, other than cottage housing developments, of more  
6430 than four units in the UR and R-4 through R-48 zones, stand-alone townhouse  
6431 developments in the NB zone on property designated commercial outside of center in the  
6432 urban area of more than four units, and mixed-use developments of more than four units,  
6433 shall provide recreation space for leisure, play, and sport activities as follows:

6434 1. Residential subdivision, townhouses, and apartments developed at a density  
6435 of eight units or less per acre: three hundred ninety square feet per unit;

6436 2. Mobile home park: two hundred sixty square feet per unit;

6437 3. Residential subdivisions developed at a density of greater than eight units per  
6438 acre: one hundred seventy square feet per unit; and

6439 4. Apartments and townhouses developed at a density of greater than eight units  
6440 per acre and mixed use:

6441 a. Studio and one bedroom: ninety square feet per unit;

6442 b. Two bedrooms: one hundred seventy square feet per unit; and

6443 c. Three or more bedrooms: one hundred seventy square feet per unit.

6444 B. Recreation space shall be placed in a designated recreation space tract if part  
6445 of a subdivision. The tract shall be dedicated to a ((homeowner's)) homeowners

6446 association or other workable organization acceptable to the director, to provide  
6447 continued maintenance of the recreation space tract consistent with K.C.C. 21A.14.200.

6448 C. Any recreation space located outdoors that is not part of a storm water tract  
6449 developed in accordance with subsection F. of this section shall:

6450 1. Be of a grade and surface suitable for recreation improvements and have a  
6451 maximum grade of five percent;

6452 2. Be on the site of the proposed development;

6453 3. Be located in an area where the topography, soils, hydrology, and other  
6454 physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a  
6455 configuration that allows for passive and active recreation;

6456 4. Be centrally located with good visibility of the site from roads and sidewalks;

6457 5. Have no dimensions less than thirty feet, except trail segments;

6458 6. Be located in one designated area, unless the director determines that  
6459 residents of large subdivisions, townhouses, and apartment developments would be better  
6460 served by multiple areas developed with recreation or play facilities;

6461 7. Have a street roadway or parking area frontage along ten percent or more of  
6462 the recreation space perimeter, except trail segments, if the required outdoor recreation  
6463 space exceeds five thousand square feet and is located in a single detached or townhouse  
6464 subdivision;

6465 8. Be accessible and convenient to all residents within the development; and

6466 9. Be located adjacent to, and be accessible by, trail or walkway to any existing  
6467 or planned municipal, county, or regional park, public open space, or trail system(  
6468 ~~which may~~) that might be located on adjoining property.



6469 D. Indoor recreation areas may be credited towards the total recreation space  
6470 requirement, if the director determines that the areas are located, designed, and improved  
6471 in a manner that provides recreational opportunities functionally equivalent to those  
6472 recreational opportunities available outdoors. For senior (~~citizen~~) assisted housing,  
6473 indoor recreation areas need not be functionally equivalent but may include social areas,  
6474 game and craft rooms, and other multipurpose entertainment and education areas.

6475 E. Play equipment or age-appropriate facilities shall be provided within dedicated  
6476 recreation space areas according to the following requirements:

6477 1. For developments of five dwelling units or more, a tot lot or children's play  
6478 area, that includes age-appropriate play equipment and benches, shall be provided  
6479 consistent with K.C.C. 21A.14.190;

6480 2. For developments of five to twenty-five dwelling units, one of the following  
6481 recreation facilities shall be provided in addition to the tot lot or children's play area:

6482 a. playground equipment;

6483 b. sport court;

6484 c. sport field;

6485 d. tennis court; or

6486 e. any other recreation facility proposed by the applicant and approved by the  
6487 director;

6488 3. For developments of twenty-six to fifty dwelling units, at least two or more of  
6489 the recreation facilities listed in subsection E.2. of this section shall be provided in  
6490 addition to the tot lot or children's play area; and

6491 4. For developments of more than fifty dwelling units, one or more of the  
6492 recreation facilities listed in subsection E.2. of this section shall also be provided for  
6493 every twenty-five dwelling units in addition to the tot lot or children's play area. If  
6494 calculations result in a fraction, the fraction shall be rounded to the nearest whole number  
6495 as follows:

- 6496 a. Fractions of 0.50 or above shall be rounded up; and
- 6497 b. Fractions below 0.50 shall be rounded down.

6498 F. In subdivisions, recreation areas that are contained within the on-site  
6499 stormwater tracts, but are located outside of the one hundred year design water surface,  
6500 may be credited for up to fifty percent of the required square footage of the on-site  
6501 recreation space requirement on a foot-per-foot basis, subject to the following criteria:

6502 1. The stormwater tract and any on-site recreation tract shall be contiguously  
6503 located. At final plat recording, contiguous stormwater and recreation tracts shall be  
6504 recorded as one tract and dedicated to the (~~homeowner's~~) homeowners association or  
6505 other organization as approved by the director;

6506 2. The drainage facility shall be constructed to meet the following conditions:

6507 a. The side slope of the drainage facility shall not exceed thirty-three percent  
6508 unless slopes are existing, natural, and covered with vegetation;

6509 b. A bypass system or an emergency overflow pathway shall be designed to  
6510 handle flow exceeding the facility design and located so that it does not pass through  
6511 active recreation areas or present a safety hazard;

6512 c. The drainage facility shall be landscaped and developed for passive  
6513 recreation opportunities such as trails, picnic areas, and aesthetic viewing; and

6514 d. The drainage facility shall be designed so they do not require fencing under  
6515 the King County Surface Water Design Manual.

6516 G. When the tract is a joint use tract for a drainage facility and recreation space,  
6517 King County is responsible for maintenance of the drainage facility only and requires a  
6518 drainage easement for that purpose.

6519 H.1. A recreation space plan shall be submitted to the department and reviewed  
6520 and approved with engineering plans.

6521 ~~((1.))~~ 2. The recreation space plans shall address all portions of the site that will  
6522 be used to meet recreation space requirements of this section, including drainage facility.  
6523 The plans shall show dimensions, finished grade, equipment, landscaping, and  
6524 improvements, as required by the director, to demonstrate that the requirements of the on-  
6525 site recreation space in K.C.C. 21A.14.180 and play areas in K.C.C. 21A.14.190 have  
6526 been met.

6527 ~~((2.))~~ 3. If engineering plans indicate that the on-site drainage facility or  
6528 stormwater tract must be increased in size from that shown in preliminary approvals, the  
6529 recreation plans must show how the required minimum recreation space under K.C.C.  
6530 21A.14.180.A. will be met.

6531 SECTION 122. Ordinance 10870, Section 379, as amended, and K.C.C.  
6532 21A.14.190 are hereby amended to read as follows:

6533 A. All single detached subdivisions, apartment, townhouse, and mixed-use  
6534 developments, of more than four units in the UR and R-4 through R-48 zones and stand-  
6535 alone townhouse developments in the NB zone of more than four units on property  
6536 designated commercial outside of center in the urban area, excluding age-restricted senior

6537 ((~~citizen~~)) housing, shall provide children play areas within the recreation space on-site,  
6538 except if facilities are available to the public that meet all of the following:

- 6539 1. Developed as a county, municipal, or regional park;
- 6540 2. Located within one quarter mile walking distance; and
- 6541 3. Accessible without crossing any arterial street.

6542 B. Play area designs shall:

- 6543 1. Provide at least forty-five square feet per dwelling unit, with a minimum size  
6544 of four hundred square feet;
- 6545 2. Be adjacent to main pedestrian paths or near building entrances;
- 6546 3. Meet the requirements of K.C.C. 21A.14.180; and
- 6547 4. Provide play equipment that meets, at a minimum, the Consumer Product  
6548 Safety Standards for equipment, soft surfacing, and spacing.

6549 SECTION 123. Ordinance 14045, Section 30, and K.C.C. 21A.14.225 are hereby  
6550 amended to read as follows:

6551 A. Tracts and easements containing hazardous liquid and gas transmission pipelines  
6552 and required setbacks from such pipelines may include the following uses, subject to other  
6553 regulations applicable to each use and approval of the holder of the easement: utility  
6554 structures not normally occupied necessary for the operation of the pipeline, landscaping,  
6555 trails, open space, keeping of animals, agriculture, forestry, commercial signage, minor  
6556 communication facilities and the utility structures not normally occupied necessary for the  
6557 operation of the minor communication facility, and other compatible uses as specified on the  
6558 face of the recorded plat or short plat; (~~provided that~~) however, structures designed for  
6559 human occupancy shall never be allowed within pipeline tracts, easements, or setbacks.

6560 B. Hazardous liquid and gas transmission pipelines shall not be located in aquifer  
6561 recharge areas, landslide hazard areas, or erosion hazard areas. When it is impractical to  
6562 avoid such areas, special engineering precautions should be taken to protect public health,  
6563 safety, and welfare.

6564 C. As part of an application for the siting new gas or hazardous liquid transmission  
6565 pipelines, the applicant shall submit an equity impact review of the proposal using tools  
6566 developed by the office of equity and racial and social justice. The results from the equity  
6567 impact review shall be used to assess equity impacts and opportunities during county permit  
6568 review and may be used to inform determinations of project approval.

6569 SECTION 124. Ordinance 11621, Section 99, as amended, and K.C.C. 21A.14.280  
6570 are hereby amended to read as follows:

6571 A. The purpose of the rural industries section is to establish standards for industrial  
6572 (I) zoned development in rural areas. Site and building designs, buffering, compatible  
6573 commercial and industrial uses are required to maintain rural character.

6574 B. The following development standards shall apply to uses locating in the  
6575 industrial (I) zone within the rural area;

6576 1. All uses occurring outside an enclosed building shall be screened from adjoining  
6577 rural residential uses;

6578 2. All buildings shall be set back fifty-feet from perimeter streets and from rural  
6579 area and residential zones;

6580 3. The total permitted floor area\lot area ratio shall not exceed one hundred percent  
6581 for a development consisting of multiple lots and one hundred twenty-five percent on any  
6582 individual building lot;

6583 4. The total permitted impervious lot coverage shall not exceed seventy percent for  
6584 a development consisting of multiple lots and eighty percent on any individual building lot;

6585 5. The landscaping standards in K.C.C. chapter 21A.16 are modified as follows:

6586 a. Twenty-foot-wide Type II landscaping shall be provided along exterior streets,

6587 b. Twenty-foot-wide Type I landscaping shall be provided along property lines  
6588 adjacent to rural residential zoned areas; and

6589 c. Fifteen-foot-wide Type II landscaping shall be provided along lines adjacent to  
6590 nonresidential zoned areas.

6591 6. Outdoor lighting shall be focused downward and configured to minimize  
6592 intrusion of light into surrounding rural residential areas;

6593 7. Refuse collection~~((/))~~, recycling ~~((areas))~~, and loading or delivery areas shall be  
6594 located at least one hundred feet from rural area and residential zones and screened with a  
6595 solid view obscuring barrier;

6596 8. Off street parking standards shall be no less than one space for every one  
6597 thousand square feet of floor area and no greater than one space for every five hundred  
6598 square feet of floor area;

6599 9. Sign are allowed as follows:

6600 a. Signs shall not exceed an area of sixty-four square feet per sign;

6601 b. Pole signs shall not be permitted; and

6602 c. Signs shall not be internally illuminated;

6603 10. The director shall approve building design, materials and color. Buildings  
6604 shall be designed and use accent materials ~~((e.g.))~~ such as wood and brick~~((/))~~,  
6605 nonreflective glass, and muted colors to be compatible with rural character; ~~((and))~~

6606 11. Building height shall be limited to forty feet;  
6607 12. Uses shall not require substantial investments in infrastructure, such as water,  
6608 sewers, or transportation, or facilities that generate substantial volumes of heavy gross  
6609 weight truck trips.

6610 SECTION 125. Ordinance 14045, Section 43 and K.C.C. 21A.14.330 are hereby  
6611 amended to read as follows:

6612 In the RA zone, all subdivisions and short subdivisions shall be recorded with a  
6613 condition prohibiting any covenant that would preclude ~~((the keeping of horses or other~~  
6614 ~~large livestock)) agricultural and forestry activities.~~

6615 SECTION 126. Ordinance 10870, Section 387, as amended, and K.C.C.  
6616 21A.16.020 are hereby amended to read as follows:

6617 Except for communication facilities regulated ~~((pursuant to))~~ under K.C.C.  
6618 chapter 21A.26, all new development listed in K.C.C. 21A.16.030 shall be subject to the  
6619 landscaping provisions of this chapter, ~~((provided that))~~ although specific landscaping  
6620 and tree retention provisions for uses established through a conditional use permit~~((s))~~ or  
6621 a special use permit~~((, or an urban planned development application))~~ shall be determined  
6622 during the applicable review process.

6623 SECTION 127. Ordinance 10870, Section 388, as amended, and K.C.C.  
6624 21A.16.030 are hereby amended to read as follows:

6625 To facilitate the application of this chapter, the land uses of K.C.C. chapter  
6626 21A.08 have been grouped in the following manner:

6627 A. Residential development refers to those uses listed in K.C.C. 21A.08.030,  
6628 except those uses listed under Accessory uses, and:

- 6629 1. Attached/group residences refers to:
- 6630 a. townhouses, except as provided in subsection A.2.a. of this section;
- 6631 b. apartments and detached dwelling units developed on common property at a
- 6632 density of twelve or more units per acre;
- 6633 c. senior (~~(citizen)~~) assisted housing;
- 6634 d. temporary lodging;
- 6635 e. group residences other than Type I community residential facilities;
- 6636 f. mobile home parks; and
- 6637 2. Single-family development refers to:
- 6638 a. residential subdivisions and short subdivisions, including attached and
- 6639 detached dwelling units on individually platted or short platted lots;
- 6640 b. any detached dwelling units located on a lot including cottage housing units;
- 6641 and
- 6642 c. Type I community residential facilities;
- 6643 B. Commercial development refers to those uses in:
- 6644 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;
- 6645 2. K.C.C. 21A.08.050 except recycling centers, health and educational services,
- 6646 daycare I, (~~(churches, synagogues and temples)~~) religious facilities, and miscellaneous
- 6647 repair as allowed in the A and RA zones; and
- 6648 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales
- 6649 as allowed in the A, F<sub>2</sub> and RA zones and building, hardware, and garden materials as
- 6650 allowed in the A zones;
- 6651 C. Industrial development refers to those uses listed in:



- 6652 1. K.C.C. 21A.08.050 as recycling center;
- 6653 2. K.C.C. 21A.08.060, except government services and farm product
- 6654 warehousing, refrigeration, and storage as allowed in the A zones;
- 6655 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A
- 6656 and F zones; and
- 6657 4. K.C.C. 21A.08.090 as mineral extraction and processing;
- 6658 D. Institutional development refers to those uses listed in:
- 6659 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;
- 6660 2. K.C.C. 21A.08.050 as (~~churches, synagogues and temples~~) religious
- 6661 facilities, health services, and education services except specialized instruction schools
- 6662 permitted as an accessory use;
- 6663 3. K.C.C. 21A.08.060 as government services; and
- 6664 4. Search and rescue facilities.
- 6665 E. Utility development refers to those uses listed in K.C.C. 21A.08.060 as utility
- 6666 facilities; and
- 6667 F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E.
- 6668 of this section shall not be subject to landscaping and tree retention requirements except
- 6669 as specified in any applicable review of a conditional use or special use permits, or
- 6670 reviews conducted in accordance with K.C.C. 21A.42.300.

6671 SECTION 128. Ordinance 10870, Section 395, as amended, and K.C.C.

6672 21A.16.100 are hereby amended to read as follows:

6673 The following alternative landscape options may be allowed, subject to county

6674 approval, only if they accomplish equal or better levels of screening, or when existing

6675 conditions on or adjacent to the site, such as significant topographic differences,  
6676 vegetation, structures, or utilities would render application of this chapter ineffective or  
6677 result in scenic view obstruction:

6678         A. The amount of required landscape area may be reduced to ensure that the total  
6679 area for required landscaping, and/or the area remaining undisturbed for the purpose of  
6680 wildlife habitat or corridors does not exceed ~~((15))~~ fifteen percent of the net developable  
6681 area of the site. For the purpose of this subsection A., the net developable area of the site  
6682 shall not include areas deemed unbuildable due to their location within sensitive areas  
6683 and any associated buffers~~((-))~~;

6684         B. The average width of the perimeter landscape strip may be reduced up to  
6685 ~~((25))~~ twenty-five percent along any portion where:

6686             1. Berms at least three feet in height or architectural barriers at least six feet in  
6687 height are incorporated into the landscape design; or

6688             2. The landscape materials are incorporated elsewhere on-site;

6689         C. In pedestrian district overlays, street perimeter landscaping may be waived  
6690 provided a site plan, consistent with the applicable adopted area zoning document, is  
6691 approved that provides street trees and other pedestrian-related amenities;

6692         D. Landscaping standards for uses located in a rural town or rural business  
6693 centers designated by the ~~((e))~~ Comprehensive ~~((p))~~ Plan may be waived or modified by  
6694 the director if deemed necessary to maintain the historic character of the area. Where a  
6695 ~~((local or))~~ subarea plan with design guidelines has been adopted, the director shall base  
6696 the landscaping modifications on the policies and guidelines of such plan~~((-))~~;

6697 E. When an existing structure precludes installation of the total amount of  
6698 required site perimeter landscaping, such landscaping material shall be incorporated on  
6699 another portion of the site~~((:))~~;

6700 F. Single-stemmed deciduous tree species that cannot generally be planted and  
6701 established in larger sizes may have a caliper of less than 1.5 inches; ~~((and))~~

6702 G. The number of trees and shrubs to be provided in required perimeter and  
6703 parking area landscaping may be reduced up to ~~((25))~~ twenty-five percent when a  
6704 development uses landscaping materials consisting of species typically associated with  
6705 the Puget Sound Basin in the following proportions:

6706 1. Seventy-five percent of groundcover and shrubs~~((:))~~; and

6707 2. Fifty percent of trees~~((:))~~;

6708 H. The department shall, ~~((pursuant to))~~ in accordance with K.C.C. chapter 2.98,  
6709 develop and maintain an advisory listing of trees recommended for new plantings. Such  
6710 list shall describe their general characteristics and suitability, and provide guidelines for  
6711 their inclusion within required landscape areas; and

6712 I. Crops may be planted in place of up to twenty-five percent of required Type II  
6713 or Type III landscaping in a commercial, residential, or institutional development.

6714 SECTION 129. Ordinance 10870, Section 407, as amended, and K.C.C.  
6715 21A.18.030 are hereby amended to read as follows:

6716 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking  
6717 areas shall contain at a minimum the number of parking spaces as stipulated in the  
6718 following table. Off-street parking ratios expressed as number of spaces per square feet  
6719 means the usable or net square footage of floor area, exclusive of ~~((non-public))~~

6720 nonpublic areas. (~~Non-public~~) For the purposes of this section, "nonpublic areas"  
 6721 include, but are not limited to, building maintenance areas, storage areas, closets, or  
 6722 restrooms. If the formula for determining the number of off-street parking spaces results  
 6723 in a fraction, the number of off-street parking spaces shall be rounded to the nearest  
 6724 whole number with fractions of 0.50 or greater rounding up and fractions below 0.50  
 6725 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
<u>Duplex, triplex, fourplex</u>	<u>1.0 per dwelling unit</u>
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior ( <del>citizen</del> ) assisted <u>housing</u>	1 per 2 dwelling or sleeping units
Community residential facilities	1 per ( <del>two</del> ) <u>2</u> bedrooms
Dormitory, including religious	1 per ( <del>two</del> ) <u>2</u> bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility

Cottage housing	1 per dwelling unit
<u>Permanent supportive housing</u>	<u>1 per 2 employees plus 1 per 20 dwelling units</u>
<u>Recuperative housing</u>	<u>1 per 2 employees plus 1 per 10 bedrooms</u>
<u>Emergency supportive housing</u>	<u>1 per 2 employees plus 1 per 20 bedrooms</u>
<u>Interim housing</u>	<u>1 per 2 employees plus 1 per 20 bedrooms</u>
<u>Microshelter villages</u>	<u>1 per 2 employees plus 1 per 20 microshelters</u>
<b>((RECREATION/)) <u>RECREATIONAL AND CULTURAL</u> (K.C.C. 21A.08.040.A.):</b>	
<del>((Recreation/))</del> <u>Recreational and culture</u> uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)

Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A.):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
<del>((Churches, synagogue, temple))</del> <u>Religious facility</u>	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed

Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per <del>((five))</del> <u>5</u> students
Specialized instruction Schools	1 per classroom, plus 1 per <del>((two))</del> <u>2</u> students
Artist Studios	<u>0.9</u> per 1,000 square feet of area used for studios
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A.):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas

Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A.):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	



Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080.A.):</b>	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery Facility II and III	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
<b>RESOURCES (K.C.C. 21A.08.090.A.):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100.A.):</b>	
Regional uses	(director)

6726 B. An applicant may request a modification of the minimum required number of

6727 parking spaces by providing that parking demand can be met with a reduced parking

6728 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
6729 the minimum required number of spaces.

6730 C. When the county has received a shell building permit application, off-street  
6731 parking requirements shall be based on the possible tenant improvements or uses  
6732 authorized by the zoning classification and compatible with the limitations of the shell  
6733 permit. When the range of possible uses result in different parking requirements, the  
6734 director will establish the amount of parking based on a likely range of uses.

6735 D. Where other provisions of this code stipulate maximum parking allowed or  
6736 reduced minimum parking requirements, those provisions shall apply.

6737 E.1. In any development required to provide six or more parking spaces, bicycle  
6738 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
6739 facilities unless otherwise specified.

6740 ((1.)) 2. Off-street parking areas shall contain at least one bicycle parking space  
6741 for every twelve spaces required for motor vehicles except as follows:

6742 a. The director may reduce bike rack parking facilities for patrons when it is  
6743 demonstrated that bicycle activity will not occur at that location.

6744 b. The director may require additional spaces when it is determined that the  
6745 use or its location will generate a high volume of bicycle activity. Such a determination  
6746 will include but not be limited to the following uses:

6747 (1) Park/playfield,

6748 (2) Marina,

6749 (3) Library/museum/arboretum,

6750 (4) Elementary/secondary school,

6751 (5) Sports club, or

6752 (6) Retail business (when located along a developed bicycle trail or

6753 designated bicycle route).

6754 ~~((2-))~~ 3. Bicycle ~~((facilities))~~ parking for patrons shall be located within 100 feet

6755 of the building entrance and shall be designed to allow either a bicycle frame or wheels to

6756 be locked to a structure attached to the pavement.

6757 ~~((3-))~~ 4. All bicycle parking and storage shall be located in safe, visible areas

6758 that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime

6759 use.

6760 ~~((4-))~~ 5. When more than ten people are employed on site, enclosed locker-type

6761 parking facilities for employees shall be provided. The director shall allocate the

6762 required number of parking spaces between bike rack parking and enclosed locker-type

6763 parking facilities.

6764 ~~((5-))~~ 6. One indoor bicycle storage space shall be provided for every two

6765 dwelling units in townhouse and apartment residential uses, unless individual garages are

6766 provided for every unit. The director may reduce the number of bike rack parking spaces

6767 if indoor storage facilities are available to all residents.

6768 SECTION 130. Ordinance 10870, Section 410, as amended, and K.C.C.

6769 21A.18.050 are hereby amended to read as follows:

6770 A. The minimum requirement of one off-street parking space per two bedrooms

6771 for ~~((CRF's))~~ CRFs and one off-street parking space per two senior ~~((citizen))~~ assisted

6772 housing units may be reduced by up to ~~((50))~~ fifty percent, as determined by the director

6773 based on the following considerations:

6774 1. Availability of private, convenient transportation services to meet the needs  
6775 of the CRF residents;

6776 2. Accessibility to and frequency of public transportation; and

6777 3. Pedestrian access to health, medical, and shopping facilities;

6778 B. If a CRF facility or senior (~~citizen~~) assisted housing is no longer used for  
6779 such purposes, additional off-street parking spaces shall be required in compliance with  
6780 this chapter (~~prior to~~) before the issuance of a new certificate of occupancy.

6781 SECTION 131. Ordinance 10870, Section 414, as amended, and K.C.C.

6782 21A.18.100 are hereby amended to read as follows:

6783 A. (~~Non-residential~~) Nonresidential uses. All permitted nonresidential uses  
6784 shall provide pedestrian and bicycle (~~access~~) facilities within and onto the site(~~-~~) as  
6785 follows:

6786 1. Access points onto the site shall be provided:

6787 (~~(a)~~) a. approximately every (~~(800)~~) eight hundred to (~~(1,000)~~) one thousand  
6788 feet along existing and proposed perimeter sidewalks and walkways(~~-~~); and

6789 (~~(b)~~) b. at all arrival points to the site, including abutting street intersections,  
6790 crosswalks, and transit stops(~~-~~);

6791 2. (~~In addition, a~~) Access points to and from adjacent lots shall be coordinated  
6792 to provide pedestrian and bicycle circulation patterns between developments; and

6793 3. In the urban growth area, sidewalks, walkways, and bicycle facilities in  
6794 commercial developments shall be sufficient width and surface material to support  
6795 anticipated bicyclist volumes and pedestrian access to all ages and abilities.

6796 B. Residential uses.((

6797 4.) All permitted residential uses of five or more dwelling units shall provide  
6798 pedestrian and bicycle ~~((access))~~ facilities within and onto the site~~(( ))~~ as follows:

6799 1. Access points onto the site shall be provided:

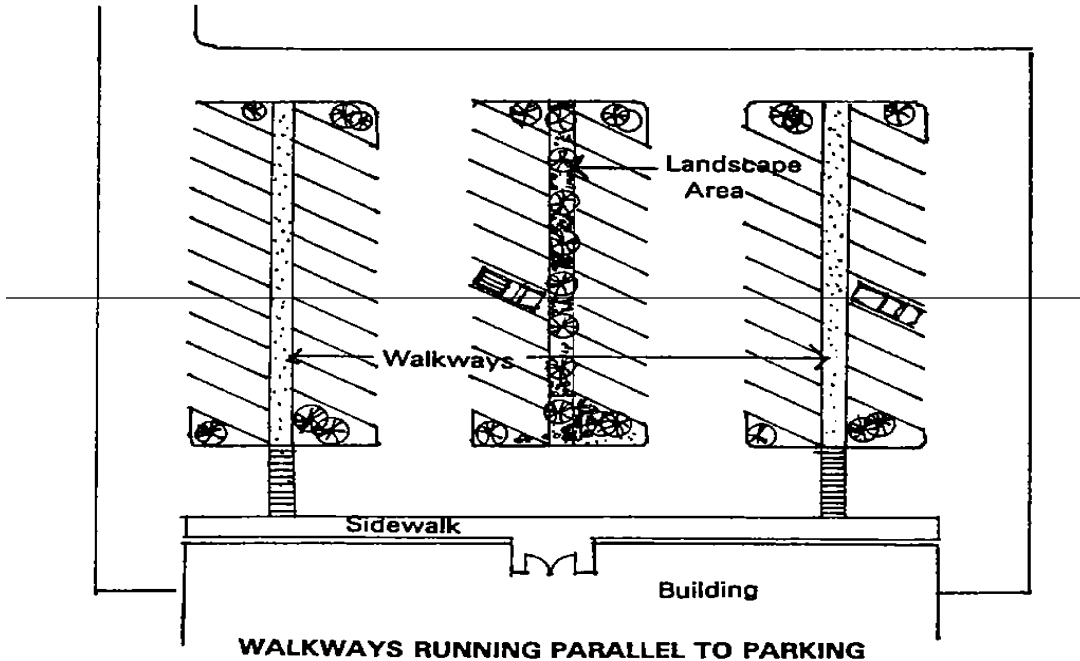
6800 ~~((a))~~ a. approximately every ~~((800))~~ eight hundred to ~~((1,000))~~ one thousand  
6801 feet along existing and proposed perimeter sidewalks and walkways~~(( ))~~; and

6802 ~~((b))~~ b. at all arrival points to the site, including abutting street intersections,  
6803 crosswalks, and transit and school bus stops~~(( ))~~;

6804 2. ~~((In addition, a))~~ Access points to and from adjacent lots shall be coordinated  
6805 to provide pedestrian and bicycle circulation patterns between sites~~(( ))~~;

6806 ~~((2.))~~ 3. Residential uses of five or more dwelling units shall provide for ~~((non-~~  
6807 ~~motorized))~~ pedestrian and bicycle circulation between cul-de-sacs or groups of buildings  
6808 to allow ~~((pedestrian and bicycle))~~ access within and through the development to adjacent  
6809 activity centers, parks, common tracts, dedicated open space intended for active  
6810 recreation, schools or other public facilities, transit and school bus stops, and public  
6811 streets~~(( ))~~; and

6812 ~~((3.))~~ 4. Access shall only be required to school bus stops that are within or  
6813 adjacent to a proposed residential use of five or more dwelling units and that are  
6814 identified by the affected school district in response to a Notice of Application. In order  
6815 to allow school districts to identify school bus stops, the department shall send a Notice  
6816 of Application to affected school districts on all applications for residential uses of five or  
6817 more dwelling units.



6818

6819 C. Walkways shall form an on-site circulation system that minimizes the conflict  
 6820 between pedestrians and traffic at all points of pedestrian access to on-site parking and  
 6821 building entrances. Walkways shall be provided when the pedestrian access point onto  
 6822 the site, or any parking space, is more than ((75)) seventy-five feet from the building  
 6823 entrance or principal on-site destination and as follows:

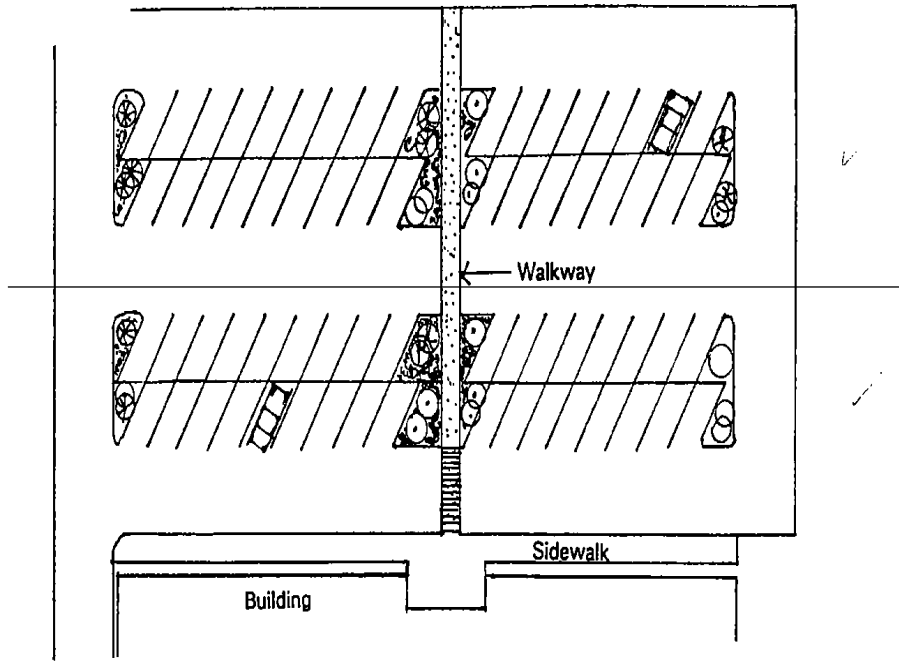
6824 1. All developments ((which)) that contain more than one building shall provide  
 6825 walkways between the principal entrances of the buildings;

6826 2. All non-residential buildings set back more than ((100)) one hundred feet  
 6827 from the public ((right-of-way)) right of way shall provide for direct pedestrian access  
 6828 from the building to buildings on adjacent lots; and

6829 3. Walkways across parking areas shall be located as follows:

6830 a. Walkways running parallel to the parking rows shall be provided for every  
 6831 six rows. Rows without walkways shall be landscaped or contain barriers or other means  
 6832 to encourage pedestrians to use the walkways; and

6833 b. Walkways running perpendicular to the parking rows shall be no further  
6834 than twenty parking spaces. Landscaping, barriers, or other means shall be provided  
6835 between the parking rows to encourage pedestrians to use the walkways((;)).



6836

6837 **WALKWAYS RUNNING PERPENDICULAR TO PARKING**

6838 D. Pedestrian and bicycle access and walkways shall meet the following  
6839 minimum design standards:

6840 1. Access and walkways shall be well lit and physically separated from  
6841 driveways and parking spaces by landscaping, berms, barriers, grade separation, or other  
6842 means to protect pedestrians from vehicular traffic;

6843 2. Access and walkways shall be a minimum of ((48)) forty-eight inches of  
6844 unobstructed width and meet the surfacing standards of the King County Road Standards  
6845 for walkways or sidewalks;

6846 3. The minimum standard for walkways required to be accessible for persons  
6847 with disabilities shall be designed and constructed to comply with the current State  
6848 Building Code regulations for barrier-free accessibility; and

6849 4. A crosswalk shall be required when a walkway crosses a driveway or a paved  
6850 area accessible to vehicles(~~(; and)~~).

6851 E. Blocks in excess of (~~(660)~~) six hundred sixty feet shall be provided with a  
6852 crosswalk at the approximate midpoint of the block.

6853 F.1. The director may waive or modify the requirements of this section when:

6854 (~~(1-)~~) a. (~~(E)~~)existing or proposed improvements would create an unsafe  
6855 condition or security concern;

6856 (~~(2-)~~) b. (~~(F)~~)there are topographical constraints, or existing or required  
6857 structures effectively block access;

6858 (~~(3-)~~) c. (~~(F)~~)the site is in a rural area, as defined by the Comprehensive Plan,  
6859 or designated natural resource lands outside of or not contiguous to an activity center,  
6860 park, common tract, dedicated open space, school, transit stop, or other public facility;

6861 (~~(4-)~~) d. (~~(F)~~)the land use would not generate the need for pedestrian or bicycle  
6862 access; or

6863 (~~(5-)~~) e. the public is not allowed access to the subject land use(~~(-)~~); and

6864 2. The director's waiver may not be used to modify or waive the requirements of  
6865 K.C.C. 21A.18.100 relating to sidewalks and safe walking conditions for students.

6866 G. (~~(The provisions of)~~)This section shall not apply on school district property.

6867 SECTION 132. Ordinance 10870, Section 415, as amended, and K.C.C.

6868 21A.18.110 are hereby amended to read as follows:



6869           A. Off-street parking areas shall not be located more than six hundred feet from  
6870 the building they are required to serve for all uses except those specified as follows((;)),  
6871 where an off-street parking area does not abut the building it serves, the required  
6872 maximum distance shall be measured from the nearest building entrance that the parking  
6873 area serves:

6874           1. For all single detached, duplex, triplex, or fourplex dwellings the parking  
6875 spaces shall be located on the same lot they are required to serve;

6876           2. For all other residential dwellings at least a portion of parking areas shall be  
6877 located within one hundred fifty feet from the building or buildings they are required to  
6878 serve;

6879           3. For all nonresidential uses permitted in rural area and residential zones, the  
6880 parking spaces shall be located on the site they are required to serve and at least a portion  
6881 of parking areas shall be located within one hundred fifty feet from the nearest building  
6882 entrance they are required to serve;

6883           4. In designated activity, community business, and neighborhood business  
6884 centers, parking lots shall be located to the rear or sides of buildings. Relief from this  
6885 subsection A.4. may be granted by the director only if the applicant can demonstrate that  
6886 there is no practical site design to meet this requirement. The director may allow only the  
6887 number of parking spaces that cannot be accommodated to the rear or sides of buildings  
6888 to be located to the front of buildings;

6889           5. Parking lots shall be so arranged as to permit the internal circulation of  
6890 vehicles between parking aisles without ((re-entering)) reentering adjoining public  
6891 streets; and

6892 6. Parking for the disabled shall be provided in accordance with K.C.C.  
6893 21A.18.060.  
6894 B. The minimum parking space and aisle dimensions for the most common  
6895 parking angles are shown on the table in this subsection. For parking angles other than  
6896 those shown on the chart, the minimum parking space and aisle dimensions shall be  
6897 determined by the director. Regardless of the parking angle, one-way aisles shall be at  
6898 least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end  
6899 aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking  
6900 plans for angle parking shall use space widths no less than eight feet six inches for a  
6901 standard parking space design and eight feet for a compact car parking space design.

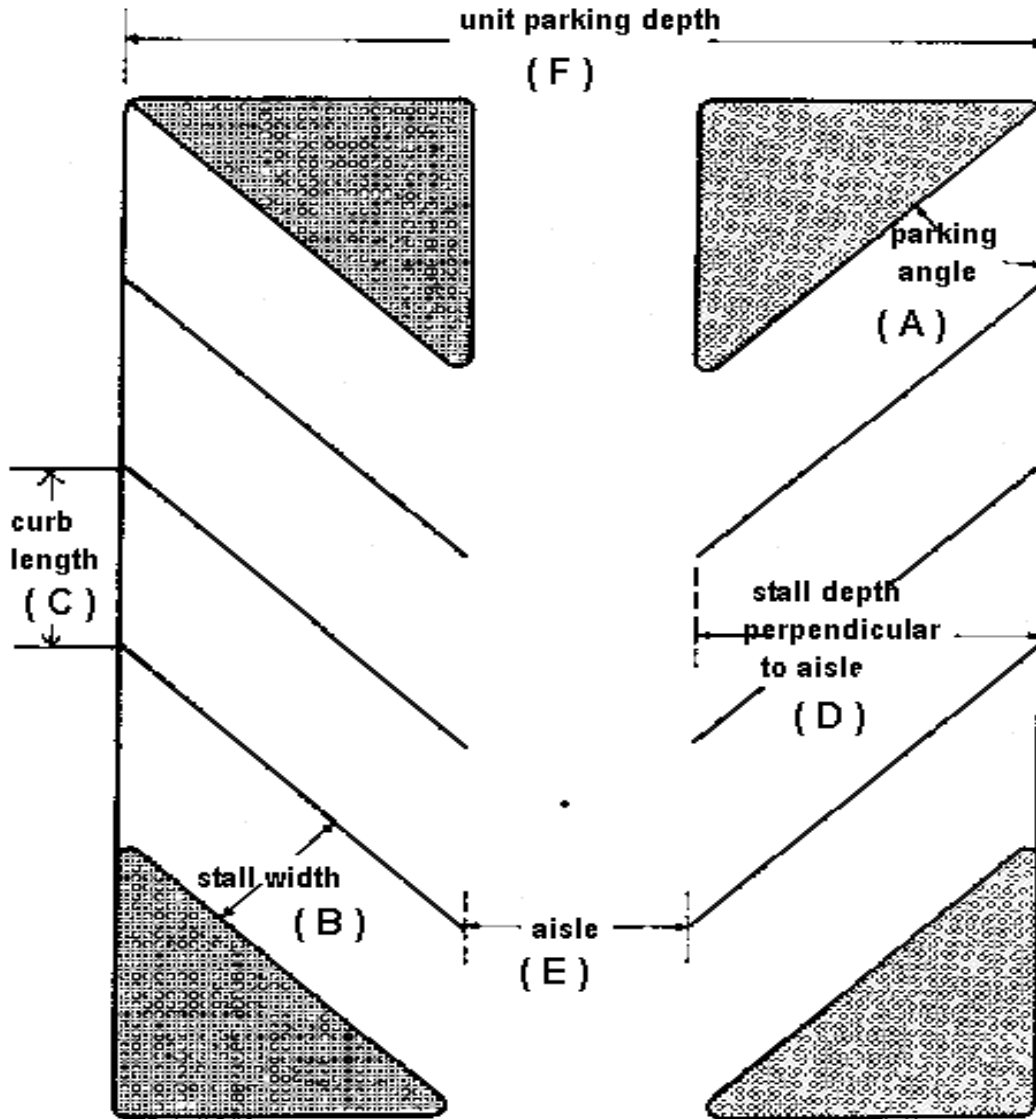
6902 **MINIMUM PARKING STALL AND AISLE DIMENSIONS**

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

6903 \* for compact stalls only

6904 \*\* variable with compact and standard combinations

### NOMENCLATURE OF OFF-STREET PARKING AREA



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C. Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step other than in the landscaped

6909 area. The additional width shall be separated from the adjacent parking space by a  
6910 parking space division stripe.

6911 D. The parking stall depth may be reduced if vehicles overhang a walkway or  
6912 landscaping under the following conditions:

6913 1. Wheelstops or curbs are installed;

6914 2. The remaining walkway provides a minimum of forty-eight inches of  
6915 unimpeded passageway for pedestrians;

6916 3. The amount of space depth reduction is limited to a maximum of eighteen  
6917 inches; and

6918 4. Landscaping is designed in accordance with K.C.C. 21A.16.070.E.

6919 E. Driveways providing ingress and egress between off-street parking areas and  
6920 abutting streets shall be designed, located, and constructed in accordance with K.C.C.  
6921 chapter 14.42, Road Standards. Driveways for single detached dwellings, no more than  
6922 twenty feet in width, may cross required setbacks or landscaped areas to provide access  
6923 between the off-street parking areas and the street, (~~provided~~) if no more than fifteen  
6924 percent of the required landscaping or setback area is eliminated by the driveway. Joint  
6925 use driveways may be located within required landscaping or setback areas. Driveways  
6926 for all other developments may cross or be located within required setbacks or  
6927 landscaped areas to provide access between the off-street parking areas and the street, if  
6928 no more than ten percent of the required landscaping is displaced by the driveway and the  
6929 driveway is located no closer than five feet from any property line except where  
6930 intersecting the street.

6931 F. Parking spaces required under this title shall be located as follows:

6932 1. For single detached, duplex, triplex, or fourplex dwelling units the required  
6933 parking spaces shall be outside of any required setbacks or landscaping, but driveways  
6934 crossing setbacks and required landscaping may be used for parking. However, if the  
6935 driveway is a joint use driveway, ~~((A))~~ a vehicle parked on the driveway shall not  
6936 obstruct any joint user's access to the driveway or parking spaces;

6937 2. For all other developments, parking spaces may be permitted by the director  
6938 in setback areas in accordance with an approved landscape plan; and

6939 3. For nonresidential uses in rural area and residential zones, parking is  
6940 permitted in setback areas in accordance with K.C.C. 21A.12.220.

6941 G. Lighting shall be provided for safety of traffic and pedestrian circulation on  
6942 the site. It shall be designed to minimize direct illumination of abutting properties and  
6943 adjacent streets. The director shall have the authority to waive the requirement to provide  
6944 lighting.

6945 H. Tandem or end-to-end parking is allowed in residential developments.  
6946 Duplex, triplex, fourplex, ~~((A))~~apartment, or townhouse developments may have tandem  
6947 parking areas for each dwelling unit but shall not combine parking for separate dwelling  
6948 units in tandem parking areas.

6949 I. All vehicle parking and storage for single detached dwellings must be in a  
6950 garage~~((;))~~ or carport or on an approved impervious surface. Any impervious surface  
6951 used for vehicle parking or storage must have direct and unobstructed driveway access.

6952 J. The total number of vehicles parked or stored outside of a building on a single  
6953 family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall

6954 not exceed six vehicles on lots that are twelve thousand five hundred square feet or less  
6955 and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

6956 K. Vanpool and carpool parking areas shall meet the following minimum design  
6957 standards:

6958 1. A minimum vertical clearance of seven feet three inches shall be provided to  
6959 accommodate van vehicles if designated vanpool and carpool parking spaces are located  
6960 in a parking structure; and

6961 2. A minimum turning radius of twenty-six feet four inches with a minimum  
6962 turning diameter, curb to curb, of fifty-two feet five inches shall be provided from  
6963 parking aisles to adjacent vanpool and carpool parking spaces.

6964 L. Direct access from the street (~~right-of-way~~) right of way to off-street parking  
6965 areas shall be subject to K.C.C. 21A.28.120.

6966 M. No dead-end alley may provide access to more than eight off-street parking  
6967 spaces.

6968 N. Any parking stalls located in enclosed buildings must be totally within the  
6969 enclosed building.

6970 SECTION 133. Ordinance 10870, Section 417, and K.C.C. 21A.18.130 are hereby  
6971 amended to read as follows:

6972 A. In any development containing more than (~~20~~) twenty parking spaces, up to  
6973 (~~50~~) fifty percent of the total number of spaces may be sized to accommodate compact  
6974 cars, subject to the following:

6975            ~~((A-))~~ 1. Each space shall be clearly identified as a compact car space by  
6976 painting the word "COMPACT" in capital letters, a minimum of 8 inches high, on the  
6977 pavement at the base of the parking space and centered between the striping; and

6978            ~~((B-))~~ 2. Aisle widths shall conform to the standards set for standard size cars ~~((;~~  
6979 ~~and))~~.

6980            ~~((C-))~~ B. Duplex, triplex, fourplex, or ~~((A))~~ apartment developments with less  
6981 than twenty parking spaces may designate up to ~~((40))~~ forty percent of the required  
6982 parking spaces as compact spaces.

6983            SECTION 134. Ordinance 13022, Section 26, as amended, and K.C.C. 21A.20.190  
6984 are hereby amended to read as follows:

6985            Community identification signs are permitted subject to the following  
6986 ~~((provisions))~~:

6987            A. Only Unincorporated Activity Centers ~~((, urban planned developments))~~ or  
6988 Rural Towns ~~((, or))~~ designated ~~((and delineated))~~ by the Comprehensive Plan, are  
6989 eligible to be identified with community identification signs. Identification signs for  
6990 Unincorporated Activity Centers ~~((, urban planned developments))~~ or Rural Towns shall  
6991 be placed along the boundaries identified by the Comprehensive Plan;

6992            B. Two types of community identification signs are permitted. Primary signs are  
6993 intended to mark the main arterial street entrances to a designated community,  
6994 Unincorporated Activity Center, ~~((urban planned development))~~, or Rural Town.

6995            Auxiliary signs are intended to mark entrances to a designated community,  
6996 Unincorporated Activity Center, ~~((urban planned development))~~, or Rural Town along  
6997 local access streets;

6998 C. Primary signs are subject to the following ~~((provisions))~~:

6999 1. No more than four primary signs shall be allowed per Unincorporated Activity  
7000 Center, ~~((urban-planned-development,))~~ Rural Town or designated community;

7001 2. Each primary sign shall be no more than thirty-two square feet in area and no  
7002 more than six feet in height; and

7003 3. Primary signs shall only be located along arterial streets, outside of the  
7004 ~~((right-of-way))~~;

7005 D. Auxiliary community identification signs are subject to the following  
7006 ~~((provisions))~~:

7007 1. There shall be no limits on the number of auxiliary community identification  
7008 signs allowed per Unincorporated Activity Center, ~~((urban-planned-development,))~~ Rural  
7009 Town, or designated community; and

7010 2. Each auxiliary sign shall be no more than two square feet, and shall be  
7011 located only outside of the ~~((right-of-way))~~; ~~((and))~~

7012 E. No commercial advertisement shall be permitted on either primary or auxiliary  
7013 signs except as follows:

7014 1. When located on property within the RA, UR, R1-8<sub>2</sub> and R12-48 zones, signs  
7015 may have a logo or other symbol of a community service or business group, such as  
7016 Kiwanis, Chamber of Commerce<sub>2</sub>, or a similar group, sponsoring construction of the sign  
7017 or signs. Any permitted logo or symbol shall be limited to an area of no more than two  
7018 square feet on primary signs and no more than seventy-two square inches on auxiliary  
7019 signs; or



7020           2. When located on properties within the NB, CB, RB, O<sub>2</sub> and I zones, signs  
7021 may have a logo or other symbol of the company, community service<sub>2</sub> or business group  
7022 sponsoring construction of the sign or signs. Any permitted logo or symbol shall be  
7023 limited to an area of no more than four square feet on primary signs and no more than  
7024 seventy-two square inches on auxiliary signs; and

7025           F. Community identification signs shall be exempt from the provisions of K.C.C.  
7026 21A.20.060.A. that require signs to be on-premise.

7027           SECTION 135. Ordinance 10870, Section 444, as amended, and K.C.C.

7028 21A.22.060 are hereby amended to read as follows:

7029           Except as otherwise provided in K.C.C. 21A.22.040, in addition to requirements  
7030 in this title, all uses regulated under this chapter shall comply with the following  
7031 standards:

7032           A. The minimum site area shall be ten acres;

7033           B. On sites larger than twenty acres, activities shall occur in phases to minimize  
7034 environmental impacts. The size of each phase shall be determined during the review  
7035 process;

7036           C. If the department determines they are necessary to eliminate a safety hazard,  
7037 fences or alternatives to fences shall be:

7038           1. Provided in a manner that discourages access to areas of the site where:

7039           a. active extracting, processing, stockpiling<sub>2</sub> and loading of materials is  
7040 occurring;

7041           b. boundaries are in common with residential or commercial zone property or  
7042 public lands; or

7043 c. any unstable slope or any slope exceeding a grade of forty percent is present;  
7044 2. At least six feet in height above the grade measured at a point five feet  
7045 outside the fence and the fence material shall have no opening larger than two inches;  
7046 3. Installed with lockable gates at all openings or entrances;  
7047 4. No more than four inches from the ground to fence bottom; and  
7048 5. Maintained in good repair;

7049 D. Warning and trespass signs advising of the use shall be placed on the  
7050 perimeter of the site adjacent to RA, UR<sub>2</sub> or R zones at intervals no greater than two  
7051 hundred feet along any unfenced portion of the site where the items noted in subsection  
7052 C.1. of this section are present;

7053 E. Structural setbacks from property lines shall be as follows:

7054 1. Buildings, structures, and stockpiles used in the processing of materials shall  
7055 be no closer than:

7056 a. one hundred feet from any residential zoned properties except that the  
7057 setback may be reduced to fifty feet when the grade where such building or structures are  
7058 proposed is fifty feet or greater below the grade of the residential zoned property;

7059 b. fifty feet from any other zoned property, except when adjacent to another  
7060 use regulated under this chapter; and

7061 c. the greater of fifty feet from the edge of any public street or the setback from  
7062 residential zoned property on the far side of the street; and

7063 2. Offices, scale facilities, equipment storage buildings, and stockpiles,  
7064 including those for reclamation, shall not be closer than fifty feet from any property line  
7065 except when adjacent to another use regulated under this chapter or M or F zoned

7066 property. Facilities necessary to control access to the site, when demonstrated to have no  
7067 practical alternative, may be located closer to the property line;

7068 F. On-site clearing, grading, or excavation, excluding that necessary for required  
7069 access, roadway, or storm drainage facility construction or activities in accordance with  
7070 an approved reclamation plan, shall not be permitted within fifty feet of any property line  
7071 except along any portion of the perimeter adjacent to another use regulated under this  
7072 chapter or M or F zoned property. If native vegetation is restored, temporary disturbance  
7073 resulting from construction of noise attenuation features located closer than fifty feet  
7074 shall be permitted;

7075 G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except  
7076 using only plantings native to the surrounding area, shall be provided along any portion  
7077 of the site perimeter where site disturbances associated with a use regulated under this  
7078 chapter are performed, except where adjacent to another use regulated under this chapter,  
7079 forestry operation, or M or F-zoned property;

7080 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82  
7081 shall be applied; ~~((and))~~

7082 I. Lighting shall:

7083 1. Be limited to that required for security, lighting of structures and equipment,  
7084 and vehicle operations; and

7085 2. Not directly glare onto surrounding properties; and

7086 J. Uses, buildings, structures, storage of equipment, and stockpile of materials not  
7087 directly related to an approved mineral extraction use, reclamation plan, or materials  
7088 processing use are prohibited.

7089            SECTION 136. Ordinance 15051, Section 137, as amended, and K.C.C.

7090    21A.24.045 are hereby amended to read as follows:

7091            A. Within the following seven critical areas and their buffers all alterations are  
7092 allowed if the alteration complies with the development standards, impact avoidance and  
7093 mitigation requirements, and other applicable requirements established in this chapter:

7094            1. Critical aquifer recharge area;

7095            2. Coal mine hazard area;

7096            3. Erosion hazard area;

7097            4. Flood hazard area except in the severe channel migration hazard area;

7098            5. Landslide hazard area under forty percent slope;

7099            6. Seismic hazard area; and

7100            7. Volcanic hazard area((s)).

7101            B. Within the following seven critical areas and their buffers, unless allowed as  
7102 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
7103 subsection C. of this section are allowed if the alteration complies with conditions in  
7104 subsection D. of this section and the development standards, impact avoidance and  
7105 mitigation requirements and other applicable requirements established in this chapter:

7106            1. Severe channel migration hazard area;

7107            2. Landslide hazard area over forty percent slope;

7108            3. Steep slope hazard area;

7109            4. Wetland;

7110            5. Aquatic area;

7111            6. Wildlife habitat conservation area; and

7112 7. Wildlife habitat network.

7113 C. In the following table where an activity is included in more than one activity  
 7114 category, the numbered conditions applicable to the most specific description of the  
 7115 activity governs. Where more than one numbered condition appears for a listed activity,  
 7116 each of the relevant conditions specified for that activity within the given critical area  
 7117 applies. For alterations involving more than one critical area, compliance with the  
 7118 conditions applicable to each critical area is required.

A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Habitat Conservation Area and Wildlife Habitat Network
<b>Structures</b>					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair, or replacement of dock or pier			A 12	A 10, 11	A 4
<b>Grading</b>					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
<b>Clearing</b>					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21

Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>					
Forest management activity	A	A	A	A	A 25
<b>Roads</b>					
Construction of new public road right-of-way structure on unimproved ( <del>right-of-way</del> ) <u>right of way</u>			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement, or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive, or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
<b>Bridges or culverts</b>					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
<b>Utilities and other infrastructure</b>					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair, or replacement of utility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37

corridor or utility facility					
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair, or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<b>Recreation</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
<b>Habitat, education, and science projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62

<b>Agriculture</b>					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond, or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Shoreline water dependent or shoreline water oriented use				A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

7119 D. The following alteration conditions apply:

7120 1. Limited to farm residences in grazed or tilled wet meadows and subject to the  
7121 limitations of subsection D.3. of this section.

7122 2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that  
7123 was created before January 1, 2005, if:



7124           a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
7125 seventy-five percent of the lake frontage, whichever constitutes the most developable  
7126 lake frontage, has existing density of four dwelling units per acre or more;

7127           b. the development proposal, including mitigation required by this chapter, will  
7128 have the least adverse impact on the critical area;

7129           c. existing native vegetation within the critical area buffer will remain  
7130 undisturbed except as necessary to accommodate the development proposal and required  
7131 building setbacks;

7132           d. access is located to have the least adverse impact on the critical area and  
7133 critical area buffer;

7134           e. the site alteration is the minimum necessary to accommodate the  
7135 development proposal and in no case in excess of five thousand square feet;

7136           f. the alteration is no closer than:

7137           (1) on a site with a shoreline environment designation of high intensity or  
7138 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots  
7139 on either side of the subject property, as measured from the ordinary high water mark of  
7140 the lake shoreline;

7141           (2) on a site with a shoreline environment designation of rural, conservancy,  
7142 resource<sub>2</sub> or forestry, the greater of fifty feet or the average of the setbacks on adjacent  
7143 lots on either side of the subject property, as measured from the ordinary high water  
7144 mark; and

7145 (3) on a site with a shoreline environment designation of natural, the greater  
7146 of one hundred feet or the average of the setbacks on adjacent lots on either side of the  
7147 subject property, as measured from the ordinary high water mark; and

7148 g. to the maximum extent practical, alterations are mitigated on the  
7149 development proposal site by enhancing or restoring remaining critical area buffers.

7150 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows  
7151 ~~((e))~~, buffers of wetlands<sub>2</sub> or aquatic areas where:

7152 a. the site is predominantly used for the practice of agriculture;

7153 b. the structure is in compliance with an approved farm management plan in  
7154 accordance with K.C.C. 21A.24.051;

7155 c. the structure is either:

7156 (1) on or adjacent to existing nonresidential impervious surface areas,  
7157 additional impervious surface area is not created waterward of any existing impervious  
7158 surface areas and the area was not used for crop production;

7159 (2) higher in elevation and no closer to the critical area than its existing  
7160 position; or

7161 (3) at a location away from existing impervious surface areas that is  
7162 determined to be the optimum site in the farm management plan;

7163 d. all best management practices associated with the structure specified in the  
7164 farm management plan are installed and maintained;

7165 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
7166 require the development of a farm management plan if required best management

7167 practices are followed and the installation does not require clearing of critical areas or  
7168 their buffers; and

7169 f. in a severe channel migration hazard area portion of an aquatic buffer only  
7170 if:

7171 (1) there is no feasible alternative location on-site;

7172 (2) the structure is located where it is least subject to risk from channel  
7173 migration;

7174 (3) the structure is not used to house animals or store hazardous substances;

7175 and

7176 (4) the total footprint of all accessory structures within the severe channel  
7177 migration hazard area will not exceed the greater of one thousand square feet or two  
7178 percent of the severe channel migration hazard area on the site.

7179 4. No clearing, external construction, or other disturbance in a wildlife habitat  
7180 conservation area is allowed during breeding seasons established under K.C.C.  
7181 21A.24.382.

7182 5. Allowed for structures when:

7183 a. the landslide hazard poses little or no risk of injury;

7184 b. the risk of landsliding is low; and

7185 c. there is not an expansion of the structure.

7186 6. Within a severe channel migration hazard area allowed for:

7187 a. existing legally established primary structures if:

7188 (1) there is not an increase of the footprint of any existing structure; and

7189                   (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;  
7190 and  
7191                   b. existing legally established accessory structures if:  
7192                   (1) additions to the footprint will not make the total footprint of all existing  
7193 structures more than one-thousand square feet; and  
7194                   (2) there is not an expansion of the footprint towards any source of channel  
7195 migration hazard, unless the applicant demonstrates that the location is less subject to risk  
7196 and has less impact on the critical area.  
7197                   7. Allowed only in grazed wet meadows or the buffer or building setback  
7198 outside a severe channel migration hazard area if:  
7199                   a. the expansion or replacement does not increase the footprint of a  
7200 nonresidential structure;  
7201                   b.(1) for a legally established dwelling unit, the expansion or replacement,  
7202 including any expansion of a legally established accessory structure allowed under this  
7203 subsection B.7.b., does not increase the footprint of the dwelling unit and all other  
7204 structures by more than one thousand square feet, not including any expansion of a  
7205 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent  
7206 practical, the replacement or expansion of a drainfield in the buffer should be located  
7207 within areas of existing lawn or landscaping, unless another location will have a lesser  
7208 impact on the critical area and its buffer;  
7209                   (2) for a structure accessory to a dwelling unit, the expansion or replacement  
7210 is located on or adjacent to existing impervious surface areas and does not result in a

7211 cumulative increase in the footprint of the accessory structure and the dwelling unit by  
7212 more than one thousand square feet;

7213 (3) the location of the expansion has the least adverse impact on the critical  
7214 area; and

7215 (4) a comparable area of degraded buffer area shall be enhanced through  
7216 removal of nonnative plants and replacement with native vegetation in accordance with  
7217 an approved landscaping plan;

7218 c. the structure was not established as the result of an alteration exception,  
7219 variance, buffer averaging or reasonable use exception;

7220 d. to the maximum extent practical, the expansion or replacement is not  
7221 located closer to the critical area or within the relic of a channel that can be connected to  
7222 an aquatic area; and

7223 e. The expansion of a residential structure in the buffer of a Type S aquatic  
7224 area that extends towards the ordinary high water mark requires a shoreline variance if:

7225 (1) the expansion is within thirty-five feet of the ordinary high water mark; or  
7226 (2) the expansion is between thirty-five and fifty feet of the ordinary high  
7227 water mark and the area of the expansion extending towards the ordinary high water mark  
7228 is greater than three hundred square feet.

7229 8. Allowed upon another portion of an existing impervious surface outside a  
7230 severe channel migration hazard area if:

7231 a. except as otherwise allowed under subsection D.7. of this section, the  
7232 structure is not located closer to the critical area;

7233           b. except as otherwise allowed under subsection D.7. of this section, the  
7234 existing impervious surface within the critical area or buffer is not expanded; and  
7235           c. the degraded buffer area is enhanced through removal of nonnative plants  
7236 and replacement with native vegetation in accordance with an approved landscaping plan.

7237           9. Limited to piers or seasonal floating docks in a category II, III<sub>2</sub> or IV wetland  
7238 or its buffer or along a lake shoreline or its buffer where:

7239           a. the vegetation where the alteration is proposed does not consist of dominant  
7240 native wetland herbaceous or woody vegetation six feet in width or greater and the lack  
7241 of this vegetation is not the result of any violation of law;

7242           b. the wetland or lake shoreline is not a salmonid spawning area;

7243           c. hazardous substances or toxic materials are not used; and  
7244           d. if located in a freshwater lake, the pier or dock conforms to the standards for  
7245 docks under K.C.C. 21A.25.180.

7246           10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
7247 materials are not used.

7248           11. Allowed on type S or F aquatic areas outside of the severe channel  
7249 migration hazard area if in compliance with K.C.C. 21A.25.180.

7250           12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

7251           13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
7252 grading activity.

7253           14. The following are allowed in the severe channel migration hazard area if  
7254 conducted more than one hundred sixty-five feet from the ordinary high water mark in

7255 the rural area and natural resource lands and one-hundred fifteen feet from the ordinary  
7256 high water mark in the urban area:

- 7257 a. grading of up to fifty cubic yards on lot less than five acres; and
- 7258 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
7259 percent of the severe channel migration hazard area.

7260 15. Only where erosion or landsliding threatens a structure, utility facility,  
7261 roadway, driveway, public trails, aquatic area, or wetland if, to the maximum extent  
7262 practical, stabilization work does not disturb the slope and its vegetative cover and any  
7263 associated critical areas.

7264 16. Allowed when performed by, at the direction of or authorized by a  
7265 government agency in accordance with regional road maintenance guidelines.

7266 17. Allowed when not performed under the direction of a government agency  
7267 only if:

- 7268 a. the maintenance or expansion does not involve the use of herbicides,  
7269 hazardous substances, sealants, or other liquid oily substances in aquatic areas~~((=))~~ or  
7270 wetlands, or their buffers; and

- 7271 b. when maintenance, expansion, or replacement of bridges or culverts  
7272 involves water used by salmonids:

- 7273 (1) the work is in compliance with ditch standards in public rule; and

- 7274 (2) the maintenance of culverts is limited to removal of sediment and debris  
7275 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
7276 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
7277 excavation of a new sediment trap adjacent to the inlet.

7278           18. Allowed for the removal of hazard trees and vegetation as necessary for  
7279 surveying or testing purposes.

7280           19. The limited trimming, pruning, or removal of vegetation under a vegetation  
7281 management plan approved by the department:

7282           a. in steep slope and landslide hazard areas, for the making and maintenance of  
7283 view corridors; and

7284           b. in all critical areas for habitat enhancement, invasive species control, or  
7285 forest management activities.

7286           20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or  
7287 fruits, for restoration and enhancement projects is allowed.

7288           21. Cutting of firewood is subject to the following:

7289           a. within a wildlife habitat conservation area, cutting firewood is not allowed;

7290           b. within a wildlife network, cutting shall be in accordance with a management  
7291 plan approved under K.C.C. 21A.24.386; and

7292           c. within a critical area buffer, cutting shall be for personal use and in  
7293 accordance with an approved forest management plan or rural stewardship plan.

7294           22. Allowed only in buffers if in accordance with ~~((best management practices~~  
7295 ~~approved by the King County fire marshal)) K.C.C. chapter 16.82.~~

7296           23. Allowed as follows:

7297           a. if conducted in accordance with an approved forest management plan, farm  
7298 management plan, or rural stewardship plan; or

7299           b. without an approved forest management plan, farm management plan or  
7300 rural stewardship plan, only if:



7301 (1) removal is undertaken with hand labor, including hand-held mechanical  
7302 tools, unless the King County noxious weed control board otherwise prescribes the use of  
7303 riding mowers, light mechanical cultivating equipment, or herbicides or biological  
7304 control methods;

7305 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

7306 (3) the cleared area is revegetated with native vegetation and stabilized  
7307 against erosion; and

7308 (4) herbicide use is in accordance with federal and state law;

7309 24. Allowed to repair or replace existing on site wastewater disposal systems in  
7310 accordance with the applicable public health standards within Marine Recovery Areas  
7311 adopted by ~~((the I))~~ public ~~((H))~~ health - Seattle & King County and:

7312 a. there is no alternative location available with less impact on the critical area;

7313 b. impacts to the critical area are minimized to the maximum extent  
7314 practicable;

7315 c. the alterations will not subject the critical area to increased risk of landslide  
7316 or erosion;

7317 d. vegetation removal is the minimum necessary to accommodate the septic  
7318 system; and

7319 e. significant risk of personal injury is eliminated or minimized in the landslide  
7320 hazard area.

7321 25. Only if in compliance with published Washington state Department of Fish  
7322 and Wildlife and Washington state Department of Natural Resources Management  
7323 standards for the species. If there are no published Washington state standards, only if in

7324 compliance with management standards determined by the county to be consistent with  
7325 best available science.

7326 26. Allowed only if:

7327 a. there is not another feasible location with less adverse impact on the critical  
7328 area and its buffer;

7329 b. the corridor is not located over habitat used for salmonid rearing or  
7330 spawning or by a species listed as endangered or threatened by the state or federal  
7331 government unless the department determines that there is no other feasible crossing  
7332 site((-));

7333 c. the corridor width is minimized to the maximum extent practical;

7334 d. the construction occurs during approved periods for instream work;

7335 e. the corridor will not change or diminish the overall aquatic area flow peaks,  
7336 duration, or volume or the flood storage capacity; and

7337 f. no new public (~~right-of-way~~) right of way is established within a severe  
7338 channel migration hazard area.

7339 27. To the maximum extent practical, during breeding season established under  
7340 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy  
7341 equipment are not operated within a wildlife habitat conservation area.

7342 28. Allowed only if:

7343 a. an alternative access is not available;

7344 b. impact to the critical area is minimized to the maximum extent practical  
7345 including the use of walls to limit the amount of cut and fill necessary;

7346 c. the risk associated with landslide and erosion is minimized;

7347 d. access is located where it is least subject to risk from channel migration; and  
7348 e. construction occurs during approved periods for instream work.

7349 29. Only if in compliance with a farm management plan in accordance with  
7350 K.C.C. 21A.24.051.

7351 30. Allowed only if:

7352 a. the new construction or replacement is made fish passable in accordance  
7353 with the most recent Washington state Department of Fish and Wildlife manuals or with  
7354 the National Marine and Fisheries Services guidelines for federally listed salmonid  
7355 species; and

7356 b. the site is restored with appropriate native vegetation.

7357 31. Allowed if necessary to bring the bridge or culvert up to current standards  
7358 and if:

7359 a. there is not another feasible alternative available with less impact on the  
7360 aquatic area and its buffer; and

7361 b. to the maximum extent practical, the bridge or culvert is located to minimize  
7362 impacts to the aquatic area and its buffers.

7363 32. Allowed in an existing roadway if conducted consistent with the regional  
7364 road maintenance guidelines.

7365 33. Allowed outside the roadway if:

7366 a. the alterations will not subject the critical area to an increased risk of  
7367 landslide or erosion;

7368 b. vegetation removal is the minimum necessary to locate the utility or  
7369 construct the corridor; and

7370 c. significant risk of personal injury is eliminated or minimized in the landslide  
7371 hazard area.

7372 34. Limited to the pipelines, cables, wires, and support structures of utility  
7373 facilities within utility corridors if:

7374 a. there is no alternative location with less adverse impact on the critical area  
7375 and critical area buffer;

7376 b. new utility corridors meet the all of the following to the maximum extent  
7377 practical:

7378 (1) are not located over habitat used for salmonid rearing or spawning or by a  
7379 species listed as endangered or threatened by the state or federal government unless the  
7380 department determines that there is no other feasible crossing site;

7381 (2) the mean annual flow rate is less than twenty cubic feet per second; and

7382 (3) paralleling the channel or following a down-valley route near the channel  
7383 is avoided;

7384 c. to the maximum extent practical utility corridors are located so that:

7385 (1) the width is the minimized;

7386 (2) the removal of trees greater than twelve inches diameter at breast height is  
7387 minimized;

7388 (3) an additional, contiguous, and undisturbed critical area buffer, equal in  
7389 area to the disturbed critical area buffer area including any allowed maintenance roads, is  
7390 provided to protect the critical area;

7391 d. to the maximum extent practical, access for maintenance is at limited access  
7392 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
7393 maintenance road is necessary the following standards are met:

7394 (1) to the maximum extent practical the width of the maintenance road is  
7395 minimized and in no event greater than fifteen feet; and

7396 (2) the location of the maintenance road is contiguous to the utility corridor  
7397 on the side of the utility corridor farthest from the critical area;

7398 e. the utility corridor or facility will not adversely impact the overall critical  
7399 area hydrology or diminish flood storage capacity;

7400 f. the construction occurs during approved periods for instream work;

7401 g. the utility corridor serves multiple purposes and properties to the maximum  
7402 extent practical;

7403 h. bridges or other construction techniques that do not disturb the critical areas  
7404 are used to the maximum extent practical;

7405 i. bored, drilled, or other trenchless crossing is laterally constructed at least  
7406 four feet below the maximum depth of scour for the base flood;

7407 j. bridge piers or abutments for bridge crossing are not placed within the  
7408 FEMA floodway or the ordinary high water mark;

7409 k. open trenching is only used during low flow periods or only within aquatic  
7410 areas when they are dry. The department may approve open trenching of type S or F  
7411 aquatic areas only if there is not a feasible alternative and equivalent or greater  
7412 environmental protection can be achieved; and

7413 l. minor communication facilities may collocate on existing utility facilities if:

- 7414 (1) no new transmission support structure is required; and
- 7415 (2) equipment cabinets are located on the transmission support structure.
- 7416 35. Allowed only for new utility facilities in existing utility corridors.
- 7417 36. Allowed for onsite private individual utility service connections or private
- 7418 or public utilities if the disturbed area is not expanded and no hazardous substances,
- 7419 pesticides or fertilizers are applied.
- 7420 37. Allowed if the disturbed area is not expanded, clearing is limited to the
- 7421 maximum extent practical and no hazardous substances, pesticides, or fertilizers are
- 7422 applied.
- 7423 38. Allowed if:
- 7424 a. conveying the surface water into the wetland or aquatic area buffer and
- 7425 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
- 7426 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
- 7427 than if the surface water were discharged at the buffer's edge and allowed to naturally
- 7428 drain through the buffer;
- 7429 b. the volume of discharge is minimized through application of low impact
- 7430 development and water quality measures identified in the King County Surface Water
- 7431 Design Manual;
- 7432 c. the conveyance and outfall are installed with hand equipment where
- 7433 feasible;
- 7434 d. the outfall shall include bioengineering techniques where feasible; and
- 7435 e. the outfall is designed to minimize adverse impacts to critical areas.
- 7436 39. Allowed only if:

- 7437 a. there is no feasible alternative with less impact on the critical area and its  
7438 buffer;
- 7439 b. to the maximum extent practical, the bridge or culvert is located to minimize  
7440 impacts to the critical area and its buffer;
- 7441 c. the bridge or culvert is not located over habitat used for salmonid rearing or  
7442 spawning unless there is no other feasible crossing site;
- 7443 d. construction occurs during approved periods for in-stream work; and
- 7444 e. bridge piers or abutments for bridge crossings are not placed within the  
7445 FEMA floodway, severe channel migration hazard area, or waterward of the ordinary  
7446 high water mark.
- 7447 40. Allowed for an open, vegetated stormwater management conveyance system  
7448 and outfall structure that simulates natural conditions if:
- 7449 a. fish habitat features necessary for feeding, cover and reproduction are  
7450 included when appropriate;
- 7451 b. vegetation is maintained and added adjacent to all open channels and ponds,  
7452 if necessary to prevent erosion, filter out sediments, or shade the water; and
- 7453 c. bioengineering techniques are used to the maximum extent practical.
- 7454 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 7455 a. necessary to avoid erosion of slopes; and
- 7456 b. bioengineering techniques are used to the maximum extent practical.
- 7457 42. Allowed in a severe channel migration hazard area or an aquatic area buffer  
7458 to prevent bank erosion only:

7459 a. if consistent with the Integrated Streambank Protection Guidelines  
7460 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering  
7461 techniques are used to the maximum extent practical, unless the applicant demonstrates  
7462 that other methods provide equivalent structural stabilization and environmental function;

7463 b. based on a critical areas report, the department determines that the new  
7464 flood protection facility will not cause significant impacts to upstream or downstream  
7465 properties; and

7466 c. to prevent bank erosion for the protection of:

7467 (1) public roadways;

7468 (2) sole access routes in existence before February 16, 1995;

7469 (3) new primary dwelling units, accessory dwelling units or accessory living  
7470 quarters and residential accessory structures located outside the severe channel migration  
7471 hazard area if:

7472 (a) the site is adjacent to or abutted by properties on both sides containing  
7473 buildings or sole access routes protected by legal bank stabilization in existence before  
7474 February 16, 1995. The buildings, sole access routes or bank stabilization must be  
7475 located no more than six hundred feet apart as measured parallel to the migrating  
7476 channel; and

7477 (b) the new primary dwelling units, accessory dwelling units, accessory  
7478 living quarters, or residential accessory structures are located no closer to the aquatic area  
7479 than existing primary dwelling units, accessory dwelling units, accessory living quarters,  
7480 or residential accessory structures on abutting or adjacent properties; or



7481 (4) existing primary dwelling units, accessory dwelling units, accessory living  
7482 quarters, or residential accessory structures if:

7483 (a) the structure was in existence before the adoption date of a King County  
7484 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

7485 (b) the structure is in imminent danger, as determined by a geologist,  
7486 engineering geologist, or geotechnical engineer;

7487 (c) the applicant has demonstrated that the existing structure is at risk, and  
7488 the structure and supporting infrastructure cannot be relocated on the lot further from the  
7489 source of channel migration; and

7490 (d) nonstructural measures are not feasible.

7491 43. Applies to lawfully established existing structures if:

7492 a. the height of the facility is not increased, unless the facility is being replaced  
7493 in a new alignment that is landward of the previous alignment and enhances aquatic area  
7494 habitat and process;

7495 b. the linear length of the facility is not increased, unless the facility is being  
7496 replaced in a new alignment that is landward of the previous alignment and enhances  
7497 aquatic area habitat and process;

7498 c. the footprint of the facility is not expanded waterward;

7499 d. consistent with the Integrated Streambank Protection Guidelines

7500 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering

7501 techniques are used to the maximum extent practical;

7502 e. the site is restored with appropriate native vegetation and erosion protection  
7503 materials; and

7504 f. based on a critical areas report, the department determines that the  
7505 maintenance, repair, replacement, or construction will not cause significant impacts to  
7506 upstream or downstream properties.

7507 44. Allowed in type N and O aquatic areas if done in least impacting way at  
7508 least impacting time of year, in conformance with applicable best management practices,  
7509 and all affected instream and buffer features are restored.

7510 45. Allowed in a type S or F water when such work is:

7511 a. included as part of a project to evaluate, restore, or improve habitat, and

7512 b. sponsored or cosponsored by a public agency that has natural resource  
7513 management as a function or by a federally recognized tribe.

7514 46. Allowed as long as the trail is not constructed of impervious surfaces that  
7515 will contribute to surface water run-off, unless the construction is necessary for soil  
7516 stabilization or soil erosion prevention or unless the trail system is specifically designed  
7517 and intended to be accessible to handicapped persons.

7518 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in  
7519 the buffer or for crossing a category II, III, or IV wetland or a type F, N, or O aquatic  
7520 area, if:

7521 a. the trail surface is made of pervious materials, except that public  
7522 multipurpose trails may be made of impervious materials if they meet all the  
7523 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall  
7524 be constructed as a raised boardwalk or bridge;

7525 b. to the maximum extent practical, buffers are expanded equal to the width of  
7526 the trail corridor including disturbed areas;

7527 c. there is not another feasible location with less adverse impact on the critical  
7528 area and its buffer;

7529 d. the trail is not located over habitat used for salmonid rearing or spawning or  
7530 by a species listed as endangered or threatened by the state or federal government unless  
7531 the department determines that there is no other feasible crossing site;

7532 e. the trail width is minimized to the maximum extent practical;

7533 f. the construction occurs during approved periods for instream work; and

7534 g. the trail corridor will not change or diminish the overall aquatic area flow  
7535 peaks, duration or volume or the flood storage capacity.

7536 h. the trail may be located across a critical area buffer for access to a viewing  
7537 platform or to a permitted dock or pier;

7538 i. A private viewing platform may be allowed if it is:

7539 (1) located upland from the wetland edge or the ordinary high water mark of  
7540 an aquatic area;

7541 (2) located where it will not be detrimental to the functions of the wetland or  
7542 aquatic area and will have the least adverse environmental impact on the critical area or  
7543 its buffer;

7544 (3) limited to fifty square feet in size;

7545 (4) constructed of materials that are nontoxic; and

7546 (5) on footings located outside of the wetland or aquatic area.

7547 48. Only if the maintenance:

7548 a. does not involve the use of herbicides or other hazardous substances except  
7549 for the removal of noxious weeds or invasive vegetation;

7550           b. when salmonids are present, the maintenance is in compliance with ditch  
7551 standards in public rule; and

7552           c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
7553 culvert, engineered slope, or other improved area being maintained.

7554           49. Limited to alterations to restore habitat forming processes or directly restore  
7555 habitat function and value, including access for construction, as follows:

7556           a. projects sponsored or cosponsored by a public agency that has natural  
7557 resource management as a primary function or by a federally recognized tribe;

7558           b. restoration and enhancement plans prepared by a qualified biologist; or

7559           c. conducted in accordance with an approved forest management plan, farm  
7560 management plan or rural stewardship plan.

7561           50. Allowed in accordance with a scientific sampling permit issued by  
7562 Washington state Department of Fish and Wildlife or an incidental take permit issued  
7563 under Section 10 of the Endangered Species Act.

7564           51. Allowed for the minimal clearing and grading, including site access,  
7565 necessary to prepare critical area reports.

7566           52. The following are allowed if associated spoils are contained:

7567           a. data collection and research if carried out to the maximum extent practical  
7568 by nonmechanical or hand-held equipment;

7569           b. survey monument placement;

7570           c. site exploration and gage installation if performed in accordance with state-  
7571 approved sampling protocols and accomplished to the maximum extent practical by  
7572 hand-held equipment and; or similar work associated with an incidental take permit

7573 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of  
7574 the Endangered Species Act.

7575           53. Limited to activities in continuous existence since January 1, 2005, with no  
7576 expansion within the critical area or critical area buffer. "Continuous existence" includes  
7577 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
7578 states associated with these horticultural and agricultural activities.

7579           54. Allowed for expansion of existing or new agricultural activities where:

7580           a. the site is predominantly involved in the practice of agriculture;

7581           b. there is no expansion into an area that:

7582           (1) has been cleared under a class I, II, III, IV-S<sub>2</sub> or nonconversion IV-G  
7583 forest practice permit; or

7584           (2) is more than ten thousand square feet with tree cover at a uniform density  
7585 more than ninety trees per acre and with the predominant mainstream diameter of the  
7586 trees at least four inches diameter at breast height, not including areas that are actively  
7587 managed as agricultural crops for pulpwood, Christmas trees<sub>2</sub> or ornamental nursery  
7588 stock;

7589           c. the activities are in compliance with an approved farm management plan in  
7590 accordance with K.C.C. 21A.24.051; and

7591           d. all best management practices associated with the activities specified in the  
7592 farm management plan are installed and maintained.

7593           55. Only allowed in grazed or tilled wet meadows or their buffers if:

7594 a. the facilities are designed to the standards of an approved farm management  
7595 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in  
7596 accordance with K.C.C. chapter 21A.30;

7597 b. there is not a feasible alternative location available on the site; and

7598 c. the facilities are located close to the outside edge of the buffer to the  
7599 maximum extent practical.

7600 56. Only allowed in:

7601 a.(1) a severe channel migration hazard area located outside of the shorelines  
7602 jurisdiction area;

7603 (2) grazed or tilled wet meadow or wet meadow buffer; or

7604 (3) aquatic area buffer; and only if:

7605 b.(1) the applicant demonstrates that adverse impacts to the critical area and  
7606 critical area buffers have been minimized;

7607 (2) there is not another feasible location available on the site that is located  
7608 outside of the critical area or critical area buffer;

7609 (3) the farm pad is designed to the standards in an approved farm  
7610 management plan in accordance with K.C.C. 21A.24.051; and

7611 (4) for proposals located in the severe channel migration hazard area, the  
7612 farm pad or livestock manure storage facility is located where it is least subject to risk  
7613 from channel migration.

7614 57. Allowed for new agricultural drainage in compliance with an approved farm  
7615 management plan in accordance with K.C.C. 21A.24.051 and all best management

7616 practices associated with the activities specified in the farm management plan are  
7617 installed and maintained.

7618           58. If the agricultural drainage is used by salmonids, maintenance shall be in  
7619 compliance with an approved farm management plan in accordance with K.C.C.  
7620 21A.24.051.

7621           59. Allowed within existing landscaped areas or other previously disturbed  
7622 areas.

7623           60. Allowed for residential utility service distribution lines to residential  
7624 dwellings, including, but not limited to, well water conveyance, septic system  
7625 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

7626           a. there is no alternative location with less adverse impact on the critical area  
7627 or the critical area buffer;

7628           b. the residential utility service distribution lines meet the all of the following,  
7629 to the maximum extent practical:

7630           (1) are not located over habitat used for salmonid rearing or spawning or by a  
7631 species listed as endangered or threatened by the state or federal government unless the  
7632 department determines that there is no other feasible crossing site;

7633           (2) not located over a type S aquatic area;

7634           (3) paralleling the channel or following a down-valley route near the channel  
7635 is avoided;

7636           (4) the width of clearing is minimized;

7637           (5) the removal of trees greater than twelve inches diameter at breast height is  
7638 minimized;

7639 (6) an additional, contiguous and undisturbed critical area buffer, equal in  
7640 area to the disturbed critical area buffer area is provided to protect the critical area;

7641 (7) access for maintenance is at limited access points into the critical area  
7642 buffer.

7643 (8) the construction occurs during approved periods for instream work;

7644 (9) bored, drilled, or other trenchless crossing is encouraged, and shall be  
7645 laterally constructed at least four feet below the maximum depth of scour for the base  
7646 flood; and

7647 (10) open trenching across Type O or Type N aquatic areas is only used  
7648 during low flow periods or only within aquatic areas when they are dry.

7649 61. Allowed if sponsored or cosponsored by the countywide flood control zone  
7650 district and the department determines that the project and its location:

7651 a. is the best flood risk reduction alternative practicable;

7652 b. is part of a comprehensive, long-term flood management strategy;

7653 c. is consistent with the King County Flood Hazard Management Plan policies;

7654 d. will have the least adverse impact on the ecological functions of the critical  
7655 area or its buffer, including habitat for fish and wildlife that are identified for protection

7656 in the King County Comprehensive Plan; and

7657 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

7658 62.a. Not allowed in wildlife habitat conservation areas;

7659 b. Only allowed if:

7660 (1) the project is sponsored or cosponsored by a public agency whose primary  
7661 function deals with natural resources management;



7662 (2) the project is located on public land or on land that is owned by a  
7663 nonprofit agency whose primary function deals with natural resources management;

7664 (3) there is not a feasible alternative location available on the site with less  
7665 impact to the critical area or its associated buffer;

7666 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

7667 (5) the project minimizes the footprint of structures and the number of access  
7668 points to any critical areas; and

7669 (6) the project meets the following design criteria:

7670 (a) to the maximum extent practical size of platform shall not exceed one  
7671 hundred square feet;

7672 (b) all construction materials for any structures, including the platform,  
7673 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as  
7674 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
7675 fiberglass, or cured concrete that the department determines will not have an adverse  
7676 impact on water quality;

7677 (c) the exterior of any structures are sufficiently camouflaged using netting  
7678 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
7679 practical. The camouflage shall be maintained to retain concealment effectiveness;

7680 (d) structures shall be located outside of the wetland or aquatic area  
7681 landward of the Ordinary High Water Mark or open water component (if applicable) to  
7682 the maximum extent practical on the site;

7683 (e) construction occurs during approved periods for work inside the  
7684 Ordinary High Water Mark;

7685 (f) construction associated with bird blinds shall not occur from March 1  
7686 through August 31, in order to avoid disturbance to birds during the breeding, nesting,  
7687 and rearing seasons;

7688 (g) to the maximum extent practical, provide accessibility for persons with  
7689 physical disabilities in accordance with the International Building Code;

7690 (h) trail access is designed in accordance with public rules adopted by the  
7691 department;

7692 (i) existing native vegetation within the critical area will remain undisturbed  
7693 except as necessary to accommodate the proposal. Only minimal hand clearing of  
7694 vegetation is allowed; and

7695 (j) disturbed bare ground areas around the structure must be replanted with  
7696 native vegetation approved by the department.

7697 63. Not allowed in the severe channel migration zone, there is no alternative  
7698 location with less adverse impact on the critical area and buffer and clearing is minimized  
7699 to the maximum extent practical.

7700 64. Only structures wholly or partially supported by a tree and used as accessory  
7701 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the  
7702 following:

7703 a. not allowed in wildlife habitat conservation areas or severe channel  
7704 migration hazard areas;

7705 b. the structure's floor area shall not exceed two hundred square feet, excluding  
7706 a narrow access stairway or landing leading to the structure;

7707 c. the structure shall be located as far from the critical area as practical, but in  
7708 no case closer than seventy-five feet from the critical area;

7709 d. only one tree-supported structure within a critical area buffer is allowed on a  
7710 lot;

7711 e. all construction materials for the structure, including the platform, pilings,  
7712 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as  
7713 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
7714 fiberglass, or cured concrete that the department determines will not have an adverse  
7715 impact on water quality;

7716 f. to the maximum extent practical, the exterior of the structure shall be  
7717 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife  
7718 and visibility from the critical area. The camouflage shall be maintained to retain  
7719 concealment effectiveness;

7720 g. the structure must not adversely impact the long-term health and viability of  
7721 the tree. The evaluation shall include, but not be limited to, the following:

7722 (1) the quantity of supporting anchors and connection points to attach the tree  
7723 house to the tree shall be the minimum necessary to adequately support the structure;

7724 (2) the attachments shall be constructed using the best available tree anchor  
7725 bolt technology; and

7726 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement  
7727 of the tree house and shall submit a report discussing how the tree's long-term health and  
7728 viability will not be negatively impacted by the tree house or associated infrastructure;

7729 h. exterior lighting shall meet the following criteria:

7730 (1) limited to the minimum quantity of lights necessary to meet the building  
7731 code requirements to allow for safe exiting of the structure and stairway; and

7732 (2) exterior lights shall be fully shielded and shall direct light downward, in  
7733 an attempt to minimize impacts to the nighttime environment;

7734 i. unless otherwise approved by the department, all external construction shall  
7735 be limited to September 1 through March 1 in order to avoid disturbance to wildlife  
7736 species during typical breeding, nesting and rearing seasons;

7737 j. trail access to the structure shall be designed in accordance with trail  
7738 standards under subsection D.47. of this section;

7739 k. to the maximum extent practical, existing native vegetation shall be left  
7740 undisturbed. Only minimal hand clearing of vegetation is allowed; and

7741 l. vegetated areas within the critical area buffer that are temporarily impacted  
7742 by construction of the structure shall be restored by planting native vegetation according  
7743 to a vegetation management plan approved by the department.

7744 65. Shoreline water dependent and shoreline water oriented uses are allowed in  
7745 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.  
7746 chapter 21A.25, chapter 90.58 RCW<sub>2</sub> and the King County Comprehensive Plan.

7747 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
7748 21A.08.100B.14., and only as follows:

7749 a. there is not another feasible location within the aquatic area with less adverse  
7750 impact on the critical area and its buffer;

7751           b. the facility and corridor is not located over habitat used for salmonid rearing  
7752 or spawning or by a species listed as endangered or threatened by the state or federal  
7753 government unless the department determines that there is no other feasible location;

7754           c. the facility is not located in Category I wetlands or Category II wetlands with  
7755 a habitat score of ((8)) eight points or greater;

7756           d. the corridor width is minimized to the maximum extent practical;

7757           e. paralleling the channel or following a down-valley route within an aquatic  
7758 area buffer is avoided to the maximum extent practical;

7759           f. the construction occurs during approved periods for instream work;

7760           g. the facility and corridor will not change or adversely impact the overall  
7761 aquatic area flow peaks, duration, or volume or the flood storage capacity;

7762           h. the facility and corridor is not located within a severe channel migration  
7763 hazard area;

7764           i. to the maximum extent practical, buildings will be located outside the buffer  
7765 and away from the aquatic area or wetland;

7766           j. to the maximum extent practical, access for maintenance is at limited access  
7767 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
7768 maintenance road is necessary the following standards are met:

7769           (1) to the maximum extent practical the width of the maintenance road is  
7770 minimized and in no event greater than fifteen feet; and

7771           (2) the location of the maintenance road is contiguous to the utility corridor  
7772 on the side of the utility corridor farthest from the critical area;

7773 k. the facility does not pose an unreasonable threat to the public health, safety,  
7774 or welfare on or off the development proposal site and is consistent with the general  
7775 purposes of this chapter and the public interest; and

7776 l. the facility connects to or is an alteration to a public roadway, public trail, a  
7777 utility corridor or utility facility or other infrastructure owned or operated by a public  
7778 utility.

7779 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
7780 21A.08.100.B.14, and only as follows:

7781 a. there is not another feasible location with less adverse impact on the critical  
7782 area and its buffer;

7783 b. the alterations will not subject the critical area to an increased risk of  
7784 landslide or erosion;

7785 c. the corridor width is minimized to the maximum extent practical;

7786 d. vegetation removal is the minimum necessary to locate the utility or  
7787 construct the corridor;

7788 e. the facility and corridor do not pose an unreasonable threat to the public  
7789 health, safety, or welfare on or off the development proposal site and is consistent with  
7790 the general purposes of this chapter, and the public interest and significant risk of  
7791 personal injury is eliminated or minimized in the landslide hazard area; and

7792 f. the facility connects to or is an alteration to a public roadway, public trail, a  
7793 utility corridor or utility facility, or other infrastructure owned or operated by a public  
7794 utility.

7795           68. Only for a single detached dwelling unit on a lake twenty acres or larger and  
7796 only as follows:

7797           a. the heat exchanger must be a closed loop system that does not draw water  
7798 from or discharge to the lake;

7799           b. the lake bed shall not be disturbed, except as required by the county or a  
7800 state or federal agency to mitigate for impacts of the heat exchanger;

7801           c. the in-water portion of system is only allowed where water depth exceeds  
7802 six feet; and

7803           d. system structural support for the heat exchanger piping shall be attached to  
7804 an existing dock or pier or be attached to a new structure that meets the requirements of  
7805 K.C.C. 21A.25.180.

7806           69. Only for maintenance of agricultural waterways if:

7807           a. the purpose of the maintenance project is to improve agricultural production  
7808 on a site predominately engaged in the practice of agriculture;

7809           b. the maintenance project is conducted in compliance with a hydraulic project  
7810 approval issued by the Washington state Department of Fish and Wildlife (~~pursuant to~~)  
7811 in accordance with chapter 77.55 RCW;

7812           c. the maintenance project complies with the King County agricultural  
7813 drainage assistance program as agreed to by the Washington state Department of Fish and  
7814 Wildlife, the department of local services, permitting division, and the department of  
7815 natural resources and parks, and as reviewed by the Washington state Department of  
7816 Ecology;

7817 d. the person performing the maintenance and the land owner have attended  
7818 training provided by King County on the King County agricultural drainage assistance  
7819 program and the best management practices required under that program; and

7820 e. the maintenance project complies with K.C.C. chapter 16.82.

7821 SECTION 137. Ordinance 15051, Section 151, as amended, and K.C.C.  
7822 21A.24.133 are hereby amended to read as follows:

7823 A. To the maximum extent practical, an applicant shall mitigate adverse impacts to  
7824 a wetland, aquatic area, wildlife habitat conservation area or wildlife habitat network on or  
7825 contiguous to the development site. The department may approve mitigation that is off the  
7826 development site if an applicant demonstrates that:

7827 1. It is not practical to mitigate on or contiguous to the development proposal site;

7828 and

7829 2. The off-site mitigation will achieve equivalent or greater hydrological, water  
7830 quality, and wetland or aquatic area habitat functions.

7831 B. When off-site mitigation is authorized, the department shall give priority to  
7832 locations within the same drainage subbasin as the development proposal site that meet the  
7833 following:

7834 1. Mitigation banking sites and resource mitigation reserves as authorized by this  
7835 chapter;

7836 2. Private mitigation sites that are established in compliance with the requirements  
7837 of this chapter and approved by the department; and



7838 3. Public mitigation sites that have been ranked in a process that has been  
7839 supported by ecological assessments, including wetland and aquatic areas established as  
7840 priorities for mitigation in King County (~~(basin plans or other)~~) watershed plans.

7841 C. The department may require documentation that the mitigation site has been  
7842 permanently preserved from future development or alteration that would be inconsistent  
7843 with the functions of the mitigation. The documentation may include, but is not limited to, a  
7844 conservation easement or other agreement between the applicant and owner of the  
7845 mitigation site. King County may enter into agreements or become a party to any easement  
7846 or other agreement necessary to ensure that the site continues to exist in its mitigated  
7847 condition.

7848 D. The department shall maintain a list of sites available for use for off-site  
7849 mitigation projects.

7850 E.1. The department and the department of natural resources and parks have  
7851 (~~(develop)~~) developed a program to allow the payment of a fee in lieu of providing  
7852 mitigation on a development site. The program addresses:

7853 a. when the payment of a fee is allowed considering the availability of a site in  
7854 geographic proximity with comparable hydrologic and biological functions and potential for  
7855 future habitat fragmentation and degradation; and

7856 b. the use of the fees for mitigation on public or private sites that have been  
7857 ranked according to ecological criteria through one or more programs that have included a  
7858 public process.

7859 2. The in lieu fee mitigation program shall submit a report by May 1 in the first  
7860 year of the biennial budget cycle, filed in the form of a paper original and an electronic copy

7861 with the clerk of the council, who shall retain the original and provide an electronic copy to  
7862 all councilmembers, the council chief of staff, and the lead staff for the transportation  
7863 economy and environment committee or its successor. The report should address the  
7864 following:

- 7865 a. information on the amount and source of revenues received by the program;
- 7866 b. a description and rationale for projects selected for funding;
- 7867 c. an accounting of budgeted and actual expenditures made; and
- 7868 d. the status of all projects approved in the previous five years, and anticipated  
7869 completion date for those projects, if not yet complete.

7870 SECTION 138. Ordinance 10870, Section 469, as amended, and K.C.C.

7871 21A.24.220 are hereby amended to read as follows:

7872 The following development standards apply to development proposals and  
7873 alterations on sites containing erosion hazard areas:

7874 A. Clearing in an erosion hazard area is allowed only from April 1 to October 1,  
7875 except that:

7876 1. Clearing of up to fifteen-thousand square feet within the erosion hazard area  
7877 may occur at any time on a lot;

7878 2. Clearing of noxious weeds may occur at any time; and

7879 3. Forest practices regulated by the department are allowed at any time in  
7880 accordance with a clearing and grading permit if the harvest is in conformance with  
7881 chapter 76.09 RCW and Title 222 WAC;

7882 B. All subdivisions, short subdivisions, or binding site plans (~~(or urban planned~~  
7883 ~~developments))~~) on sites with erosion hazard areas shall retain existing vegetation in all

7884 erosion hazard areas until building permits are approved for development on individual  
7885 lots. The department may approve clearing of vegetation on lots if:

7886 1. The clearing is a necessary part of a large scale grading plan; and

7887 2. It is not feasible to perform the grading on an individual lot basis; and

7888 C. If the department determines that erosion from a development site poses a  
7889 significant risk of damage to downstream wetlands or aquatic areas, based either on the  
7890 size of the project, the proximity to the receiving water, or the sensitivity of the receiving  
7891 water, the applicant shall provide regular monitoring of surface water discharge from the  
7892 site. If the project does not meet water quality standards established by law or public  
7893 rules, the county may suspend further development work on the site until such standards  
7894 are met.

7895 SECTION 139. Ordinance 10870, Section 470, as amended, and K.C.C.

7896 21A.24.230 are hereby amended to read as follows:

7897 A. The regulated flood hazard area consists of one or more of the following  
7898 components:

7899 1. Floodplain;

7900 2. Zero-rise flood fringe;

7901 3. Zero-rise floodway;

7902 4. FEMA floodway; and

7903 5. Channel migration zones.

7904 B. The FEMA floodway and floodplain are identified in a scientific and engineering  
7905 report entitled Flood Insurance Study for King County, Washington and Incorporated Areas,

7906 dated August 19, 2020, with accompanying Flood Insurance Rate Maps, and any revisions  
7907 thereto.

7908 C.1. The department may delineate or require a delineation of a flood hazard area  
7909 using data or information from any of the following sources, but only if the data is at least as  
7910 restrictive as the data in the Flood Insurance Study and Flood Insurance Rate Maps  
7911 referenced in subsection B. of this section. The department may also use data from the  
7912 following sources to determine base flood elevations, floodway boundaries, or other  
7913 regulatory flood information:

- 7914 a. Flood Insurance Study;
- 7915 b. Flood Insurance Rate Maps;
- 7916 c. Preliminary Flood Insurance Study or pending Flood Insurance Study;
- 7917 d. Preliminary Flood Insurance Rate Maps or pending Flood Insurance Rate  
7918 Maps;
- 7919 e. draft flood boundary work maps and associated technical reports;
- 7920 f. critical area reports prepared in accordance with FEMA standards contained in  
7921 44 C.F.R. Part 65 and consistent with the King County Surface Water Design Manual  
7922 provisions for floodplain analysis;
- 7923 g. letters of map change;
- 7924 h. channel migration zone maps and studies;
- 7925 i. historical flood hazard information;
- 7926 j. ~~((basin plan or))~~ hydrologic study that includes projected flows under future  
7927 developed conditions that have been completed and approved by King County; and

7928 k. any other available data that accurately classifies and delineates the flood  
7929 hazard area or base flood elevation.

7930 2. When there are multiple sources of flood hazard data for flood hazard area  
7931 boundaries, FEMA floodway or zero-rise floodway boundaries, base flood elevations or  
7932 cross-sections, the department may determine which data most accurately classifies and  
7933 delineates the flood hazard area, as long as the data is at least as restrictive as the Flood  
7934 Insurance Study and Flood Insurance Maps referenced in subsection B. of this section.

7935 D. Proof that a land use or development activity is occurring within the area mapped  
7936 on the Flood Insurance Rate Maps shall be sufficient, but not required, to prove that the area  
7937 of concern is subject to inundation by the base flood in an action to enforce code compliance  
7938 under K.C.C. Title 23.

7939 E. A number of channel migration zones are mapped by the county for portions of  
7940 river systems. These channel migration zones and the criteria and process used to designate  
7941 and classify channel migration zones are specified by public rule adopted by the department.  
7942 An applicant for a development proposal may submit a critical area report to the department  
7943 to determine channel migration zone boundaries or classify channel migration hazard areas  
7944 on a specific property if there is an apparent discrepancy between the site-specific conditions  
7945 or data and the adopted channel migration zone maps.

7946 SECTION 140. Ordinance 10870, Section 471, as amended, and K.C.C.

7947 21A.24.240 are hereby amended to read as follows:

7948 The following development standards apply to floodplain development and  
7949 alterations on sites within the zero-rise flood fringe:

7950           A. Floodplain development and alterations shall not reduce the effective base flood  
7951 storage volume of the floodplain. Floodplain development shall provide compensatory  
7952 storage if grading or other activity displaces any effective flood storage volume.

7953 Compensatory storage is not required for grading or fill placed within the foundation of an  
7954 existing residential building to bring the interior foundation grade to the same level as the  
7955 lowest adjacent exterior grade. Compensatory storage shall:

7956           1. Provide equivalent volume at equivalent elevations to that which is being  
7957 displaced. For this purpose, equivalent elevations means having similar relationship to  
7958 ordinary high water and to the best available ten-year, fifty-year, and one-hundred-year  
7959 water surface profiles. If the difference between the fifty-year and the one-hundred-year  
7960 surface profiles is less than one foot, equivalent elevations means having similar  
7961 relationships to ordinary high water and to the best available ten-year and one-hundred-year  
7962 water surface profiles;

7963           2. Hydraulically connect to the source of flooding;

7964           3. Provide compensatory storage in the same construction season as when the  
7965 displacement of flood storage volume occurs and before the flood season begins on  
7966 September 30 for that year;

7967           4. Occur on the site. The director may approve equivalent compensatory storage  
7968 off the site if legal arrangements, acceptable to the department, are made to ensure that the  
7969 effective compensatory storage volume will be preserved over time; and

7970           5. The director may approve of off-site compensatory storage through a  
7971 compensatory storage bank managed by the department of natural resources and parks;

7972 B. A structural engineer shall design and certify all elevated buildings and submit  
7973 the design to the department;

7974 C. A civil engineer shall prepare a base flood depth and base flood velocity analysis  
7975 and submit the analysis to the department. A base flood depth and base flood velocity  
7976 analysis is not required for agricultural buildings. Floodplain development and alterations  
7977 are not allowed if the base flood depth exceeds three feet and the base flood velocity  
7978 exceeds three feet per second, except for the following projects:

- 7979 1. Agricultural structures and farm pads;
- 7980 2. Roads and bridges;
- 7981 3. Utilities;
- 7982 4. Surface water flow control or surface water conveyance systems;
- 7983 5. Public park structures; and
- 7984 6. Flood hazard mitigation projects, such as, but not limited to construction, repair,  
7985 or replacement of flood protection facilities or for building elevations or relocations;

7986 D. Subdivisions, short subdivisions, (~~urban planned developments~~) and binding  
7987 site plans should be consistent with the need to minimize flood damage within the flood  
7988 hazard area and shall meet the following requirements:

- 7989 1. New building lots shall include five thousand square feet or more of buildable  
7990 land outside the zero-rise floodway;
- 7991 2. All public infrastructure and utilities such as sewer, gas, electrical, and water  
7992 systems are consistent with subsection J. of this section;
- 7993 3. A civil engineer shall prepare detailed base flood elevations in accordance with  
7994 FEMA guidelines for all new lots;

7995 4. A development proposal shall provide adequate drainage in accordance with the  
7996 King County Surface Water Design Manual to reduce exposure to flood damage; and

7997 5. The face of the recorded subdivision, short subdivision, (~~urban planned~~  
7998 ~~development~~) or binding site plan shall include the following for all lots:

7999 a. setback areas restricting structures to designated buildable areas;

8000 b. base flood data and sources and flood hazard notes including, but not limited  
8001 to, base flood elevation, required flood protection elevations, the boundaries of the  
8002 floodplain and the zero-rise floodway, if determined, and channel migration zone  
8003 boundaries, if determined; and

8004 c. include the following notice:

8005 "Lots and buildings located within flood hazard areas may be inaccessible by  
8006 emergency vehicles during flood events. Residents and property owners should take  
8007 appropriate advance precautions.";

8008 E. New, substantially improved, or converted residential buildings and flood  
8009 mitigation home elevations shall meet the following standards:

8010 1. Elevate the lowest floor, including basement, to or above the flood protection  
8011 elevation;

8012 2. Fully enclosed areas below the lowest floor and below the flood protection  
8013 elevation, including crawlspaces or attached garages, shall be designed to automatically  
8014 equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of  
8015 floodwaters. Designs for meeting this requirement must either be certified by a registered  
8016 professional engineer or architect or meet or exceed the following:



8017 a. a minimum of two openings having a net total area of no less than one square  
8018 inch for every one square foot of enclosed space shall be provided. The openings shall be  
8019 located on at least two opposite-side walls in the direction of flow;

8020 b. the bottom of all openings shall not be higher than one foot above the adjacent  
8021 grade;

8022 c. openings may be equipped with screens, louvers, valves, or other coverings or  
8023 devices, but only if they allow the automatic entry and exit of floodwaters; and

8024 d. if a building has more than one enclosed area, each area must have openings to  
8025 allow floodwaters to automatically enter and exit;

8026 3. Fully enclosed areas below the lowest floor meeting the criteria in subsection  
8027 E.2. of this section shall not have all sides of the building below grade;

8028 4. Fully enclosed areas below the lowest floor shall be used solely for the parking  
8029 of vehicles, building access or limited storage of readily removable items;

8030 5. Use materials and methods that are resistant to and minimize flood damage; and

8031 6. Elevate or dry floodproof all building utilities to or above the flood protection  
8032 elevation;

8033 F. New, substantially improved, or converted nonresidential buildings and flood  
8034 mitigation elevations of existing nonresidential buildings shall meet the following standards:

8035 1. Elevate the lowest floor to or above the flood protection elevation, except as  
8036 otherwise provided in subsection G. of this section, or dry floodproof the building and  
8037 building utilities to or above the flood protection elevation. The applicant shall provide  
8038 certification by a civil or structural engineer that the dry floodproofing methods are adequate  
8039 to withstand the flood-depths, pressures, velocities, impacts, uplift forces, and other factors

8040 associated with the base flood. After construction, the engineer shall certify that the  
8041 permitted work conforms to the approved plans and specifications;

8042           2. Use materials and methods that are resistant to and minimize flood damage;

8043           3. For nonresidential buildings that have not been dry floodproofed, design fully  
8044 enclosed areas below the lowest floor and below the flood protection elevation, including  
8045 crawlspaces or attached garages, to automatically equalize hydrostatic flood forces on  
8046 exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this  
8047 requirement must either be certified by a registered professional engineer or architect or  
8048 meet or exceed the following:

8049           a. a minimum of two openings having a net total area of no less than one square  
8050 inch for every one square foot of enclosed space shall be provided. The openings shall be  
8051 located on at least two opposite-side walls in the direction of flow;

8052           b. the bottom of all openings shall not be higher than one foot above adjacent  
8053 grade;

8054           c. openings may be equipped with screens, louvers, valves, or other coverings or  
8055 devices, but only if they allow the automatic entry and exit of floodwaters; and

8056           d. if a building has more than one enclosed area, each area shall have openings to  
8057 allow floodwaters to automatically enter and exit;

8058           4. Not have all sides of the building below grade for fully enclosed areas below the  
8059 lowest floor meeting the criteria in subsection F.3. of this section;

8060           5. Fully enclosed areas below the lowest floor shall be used solely for the parking  
8061 of vehicles, building access or limited storage of readily removable items; and

8062           6. Elevate or dry floodproof all building utilities to or above the flood protection  
8063 elevation;

8064           G. New, substantially improved, or converted accessory buildings may have the  
8065 lowest floor below the flood protection elevation, but only if the building complies with the  
8066 following:

8067           1. The building shall not be used for human habitation;

8068           2. The use of the building shall be limited to parking of vehicles or limited storage  
8069 of readily removable items;

8070           3. The floor area shall not exceed four hundred square feet;

8071           4. The building should be constructed with materials and practices to minimize  
8072 flood damage;

8073           5. The building shall be built of and have flood-resistant materials for portions  
8074 below the flood protection elevation;

8075           6. The building shall be designed to automatically equalize hydrostatic flood forces  
8076 on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this  
8077 requirement must either be certified by a registered professional engineer or architect or  
8078 must meet or exceed the following:

8079           a. a minimum of two openings having a net total area of no less than one square  
8080 inch for every one square foot of enclosed space shall be provided. The openings shall be  
8081 located on at least two opposite-side walls in the direction of flow;

8082           b. the bottom of all openings shall not be higher than one foot above adjacent  
8083 grade; and

8084 c. openings may be equipped with screens, louvers, valves, or other coverings or  
8085 devices, but only if they allow the automatic entry and exit of floodwaters;

8086 7. Building utilities shall not be installed except electrical fixtures, which must be  
8087 elevated or dry floodproofed to or above the flood protection elevation; and

8088 8. The building shall be constructed and placed on the site so as to offer the  
8089 minimum resistance to the flow of floodwaters;

8090 H. Anchor all new or substantially improved buildings to prevent flotation, collapse,  
8091 or lateral movement of the building. The department shall approve the method used to  
8092 anchor the building;

8093 I.1. Newly sited (~~manufactured~~) mobile homes and substantial improvements of  
8094 existing (~~manufactured~~) mobile homes shall meet the standards in subsections E. and H. of  
8095 this section and shall be installed using methods and practices that minimize flood damage;

8096 2. All (~~manufactured~~) mobile homes within a new mobile home park or  
8097 expansion of an existing mobile home park must meet the requirements of this subsection I.;

8098 3. In a new or existing mobile home park located in a flood hazard area, no  
8099 buildings other than mobile homes are allowed;

8100 J.1. New and replacement public infrastructure utilities including, but not limited to,  
8101 sewage treatment and storage facilities, shall be elevated or dry floodproofed to or above the  
8102 flood protection elevation;

8103 2. New on-site sewage disposal systems should be located outside of the  
8104 floodplain. When there is insufficient area outside the floodplain, new on-site sewage  
8105 disposal systems are allowed only in the zero-rise flood fringe. On-site sewage disposal  
8106 systems in the zero-rise flood fringe shall be designated and located to avoid:

- 8107           a. impairment to the system during flooding; and
- 8108           b. contamination from the system during flooding;
- 8109           3. Design all new and replacement water supply systems to minimize or eliminate
- 8110 infiltration of floodwaters into the system;
- 8111           4. Above-ground utility transmission lines are allowed only for the transport of
- 8112 nonhazardous substances or electricity;
- 8113           5. Underground utility transmission lines transporting hazardous substances shall
- 8114 be buried at a minimum depth of four feet below the maximum depth of scour for the base
- 8115 flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any
- 8116 potential for flotation or upward migration is eliminated; and
- 8117           6. New water wells shall be located where not subject to ponding and not in the
- 8118 FEMA floodway. The well shall be protected to the flood protection elevation and shall be
- 8119 protected from any surface or subsurface drainage capable of impairing the quality of the
- 8120 groundwater supply, in accordance with WAC 173-160-171;
- 8121           K. Critical facilities are allowed within the zero-rise flood fringe only when a
- 8122 feasible alternative site is not available and the following standards are met, in addition to
- 8123 the other applicable standards in this section:
- 8124           1. Elevate the lowest floor to the five-hundred year floodplain elevation or three or
- 8125 more feet above the base flood elevation, whichever is higher;
- 8126           2. Dry floodproof and seal buildings to ensure that hazardous substances are not
- 8127 displaced by or released into floodwaters; and
- 8128           3. Elevate access routes to or above the base flood elevation from the critical
- 8129 facility to the nearest maintained public street or roadway;

8130 L. New construction or expansion of existing farm pads is allowed only on a site  
8131 with existing agriculture if emergency flood relief is required for the protection of livestock  
8132 or assets or for operations that must continue during flood events as follows:

8133 1. A farm pad is allowed only if there is no other suitable holding area on the site  
8134 outside the floodplain;

8135 2. Construct the farm pad to the standards in an approved farm management plan  
8136 prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30;

8137 3. The farm pad proposal shall demonstrate compliance with the following:

8138 a. flood storage compensation consistent with subsection A. of this section;

8139 b. siting and sizing that do not increase base flood elevations consistent with  
8140 K.C.C. 21A.24.250.B. or, if any portion of the farm pad is located in the FEMA floodway,  
8141 siting and sizing that do not increase base flood elevations consistent with K.C.C.  
8142 21A.24.260.B.;

8143 c. siting that is located in the area least subject to risk from floodwaters; and

8144 d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland  
8145 buffers, and aquatic area buffers have been minimized;

8146 4. The farm pad is constructed to base flood elevation plus one foot. An elevation  
8147 report shall be completed after construction to demonstrate compliance with this elevation  
8148 requirement;

8149 5.a. The farm pad should be sized as is necessary for the protection of livestock  
8150 and assets and operations that must continue during flood events;

8151                   b. for farm pads larger than two thousand square feet of finished usable surface, a  
8152 site specific evaluation of agricultural operations must demonstrate the need for the size of  
8153 the pad; and

8154                   c. for farm pads larger than ten thousand square feet, an area-wide analysis must  
8155 demonstrate that sufficient flood storage is available for reasonably foreseeable future land  
8156 use needs in the vicinity;

8157                   6. If there are multiple areas on a site that meet all of the applicable criteria, the  
8158 farm pad should be located as far as practical from the interior property lines;

8159                   7. Agricultural buildings are allowed on a farm pad as shelter for livestock or other  
8160 farm animals, greenhouses for plant starts to be used on the property, milking parlors,  
8161 storage of farm vehicles and agricultural equipment, and shelter for farm products including,  
8162 but not limited to, feed, seeds, flower bulbs, and hay and farm operations that must continue  
8163 during a flood event. Agricultural buildings allowed on a farm pad shall not be used for  
8164 retail operations or any residential or public use; and

8165                   8. The property owner shall file with the department of executive services, records  
8166 and licensing services division, a notice approved by the department that restricts the use of  
8167 the farm pad to nonresidential agricultural uses. The notice shall run with the land. The  
8168 applicant shall submit to the department proof that the notice was filed before the  
8169 department approves any permit for the construction of the farm pad;

8170                   M. New or expanded livestock manure storage facilities are only allowed as  
8171 follows:

8172                   1. There is not a feasible alternative area on the site outside the floodplain;

8173           2. The livestock manure storage facility is constructed to the standards in an  
8174 approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and  
8175 K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with the  
8176 following:

8177           a. flood storage compensation consistent with subsection A. of this section;

8178           b. siting and sizing that do not increase base flood elevations consistent with  
8179 K.C.C. 21A.24.250.B. or, if the liquid manure storage facility is located in the FEMA  
8180 floodway, siting and sizing that do not increase base flood elevations consistent with K.C.C.  
8181 21A.24.260.B.;

8182           c. dry floodproofing the liquid manure storage facility to one foot above the base  
8183 flood elevation; and

8184           d. siting that is located in the area least subject to risk from floodwaters;

8185           N. Recreational vehicles must be on site for fewer than one hundred eighty  
8186 consecutive days or be fully licensed and ready for highway use, which means on their  
8187 wheels or jacking system, attached to the site only by quick-disconnect-type utilities and  
8188 security devices and have no permanently attached additions; and

8189           O. Any alteration or relocation of a watercourse shall comply with the following  
8190 standards, in addition to the other applicable standards in this title:

8191           1. The department shall notify adjacent communities and the Washington state  
8192 Department of Ecology before any alteration or relocation of a watercourse proposed by the  
8193 applicant and shall submit evidence of the notification to the Federal Emergency  
8194 Management Agency within six months; and

8195           2. The applicant shall ensure that the flood-carrying capacity is maintained.



8196            SECTION 141. Ordinance 10870, Section 477, as amended, and K.C.C.

8197            21A.24.300 are hereby amended to read as follows:

8198            The following development standards apply to development proposal and  
8199 alterations on sites containing volcanic hazard areas:

8200            A. Within volcanic hazard areas located along the White river upstream from  
8201 Mud Mountain dam:

8202            1. Critical facilities, duplexes, triplexes, fourplexes, apartments, townhouses, or  
8203 commercial structures are not allowed;

8204            2. All new lots created by subdivision, short subdivision or binding site plan  
8205 shall designate building areas and building setbacks outside of the volcanic hazard area;  
8206 and

8207            3. The notice of critical areas required under this chapter is required for new  
8208 single detached dwellings on existing lots;

8209            B. Within volcanic hazard areas located along the White river downstream from  
8210 Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate  
8211 development proposals for critical facilities for risk of inundation or flooding resulting  
8212 from mudflows originating on Mount Rainier. The applicant shall design critical  
8213 facilities to withstand, without damage, the effects of mudflows equal in magnitude to the  
8214 prehistoric Electron mudflow; and

8215            C. This section does not apply until King County has refined the mapping of  
8216 volcanic hazard areas in cooperation with the United State Geological Survey and  
8217 adopted volcanic hazard area maps by public rule.

8218            SECTION 142. Ordinance 11621, Section 52, as amended, and K.C.C. 21A.24.385  
8219 are hereby amended to read as follows:

8220            The department shall make certain that segments of the wildlife habitat network are  
8221 set aside and protected along the designated wildlife habitat network adopted by the King  
8222 County Comprehensive Plan as follows:

8223            A. This section applies to the following development proposals on parcels that  
8224 include a segment of the designated wildlife habitat network:

8225            1. All (~~urban planned developments, fully contained communities,~~) binding site  
8226 plans, subdivisions, and short subdivisions; and

8227            2. All development proposals on individual lots unless a segment of the wildlife  
8228 habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract,  
8229 easement, or setback area, and a notice of the existence of the segment has been recorded;

8230            B. Segments of the wildlife habitat network must be identified and protected in one  
8231 of the following ways:

8232            1. In (~~urban planned developments, fully contained communities,~~) binding site  
8233 plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous  
8234 permanent open-space tract with all developable lots sited on the remaining portion of the  
8235 project site, or the lots are designed so that required setback areas can form a contiguous  
8236 setback covering the network segments; or

8237            2. For individual lots, the network is placed in a county-approved setback area. To  
8238 the maximum extent practical, existing native vegetation is included in the network. The  
8239 notice required by K.C.C. 21A.27.170 is required; and

8240 C. All wildlife habitat network tracts or setback areas must meet the design  
8241 standards in K.C.C. 21A.24.386.

8242 SECTION 143. Ordinance 11621, Section 53, as amended, and K.C.C. 21A.24.386  
8243 are hereby amended to read as follows:

8244 The following standards apply to development proposals and alterations on sites  
8245 containing wildlife habitat network:

8246 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
8247 alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

8248 B. The wildlife habitat network is sited to meet the following conditions:

8249 1. The network forms one contiguous tract or setback area that enters and exits  
8250 the property where the network crosses the property boundary;

8251 2. To the maximum extent practical, the network maintains a width of three-  
8252 hundred feet. The network width shall not be less than one-hundred-fifty feet at any  
8253 point; and

8254 3. The network is contiguous with and includes critical areas and their buffers;

8255 4. To the maximum extent practical, the network connects isolated critical areas  
8256 or habitat; and

8257 5. To the maximum extent practical, the network connects with wildlife habitat  
8258 network segments, open space tracts, or wooded areas on adjacent properties, if present;

8259 C. The wildlife habitat network tract must be permanently marked in accordance  
8260 with this chapter;

8261 D. An applicant proposing recreation, forestry, or any other use compatible with  
8262 preserving and enhancing the habitat value of the wildlife habitat network located within

8263 the site must have an approved management plan. The applicant shall include and record  
8264 the approved management plan for a binding site plan or subdivision with the covenants,  
8265 conditions, and restrictions (CCRs), if any. Clearing within the wildlife habitat network  
8266 in a tract or tracts is limited to that allowed by an approved management plan;

8267 E. If the wildlife habitat network is contained in a setback area, a management  
8268 plan is not required. Clearing is not allowed within a wildlife habitat network within a  
8269 setback area on individual lots, unless the property owner has an approved management  
8270 plan;

8271 F. In ~~((urban planned developments, fully contained communities,))~~ binding site  
8272 plans, subdivisions, and short subdivisions a homeowners association or other entity  
8273 capable of long-term maintenance and operation shall monitor and assure compliance  
8274 with any approved management plan;

8275 G. ~~((Segments of the wildlife habitat network set aside in tracts, conservation  
8276 easements or setback area must comply with K.C.C. 16.82.150;~~

8277 ~~H.))~~ The department may credit a permanent open space tract containing the  
8278 wildlife habitat network toward the other applicable requirements such as surface water  
8279 management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed  
8280 uses within the tract are compatible with preserving and enhancing the wildlife habitat  
8281 value. Restrictions on other uses within the wildlife habitat network tract shall be clearly  
8282 identified in the management plan; and

8283 ~~((F.))~~ H. The director may waive or reduce these standards for public facilities  
8284 such as schools, fire stations, parks, and road projects.

8285            SECTION 144. Ordinance 16985, Section 129, and K.C.C. 21A.25.080 are  
8286 hereby amended to read as follows:

8287            A. Mitigation measures shall be applied in the following sequence of steps listed  
8288 in order of priority, with subsection A.1. of this section being top priority:

8289            1. Avoiding the impact altogether by not taking a certain action or parts of an  
8290 action;

8291            2. Minimizing impacts by limiting the degree or magnitude of the action and its  
8292 implementation by using appropriate technology or by taking affirmative steps to avoid  
8293 or reduce impacts;

8294            3. Rectifying the impact by repairing, rehabilitating, or restoring the affected  
8295 environment;

8296            4. Reducing or eliminating the impact over time by preservation and  
8297 maintenance operations;

8298            5. Compensating for the impact by replacing, enhancing, or providing substitute  
8299 resources or environments; and

8300            6. Monitoring the impact and the compensation projects and taking appropriate  
8301 corrective measures.

8302            B. In determining appropriate mitigation measures applicable to shoreline  
8303 development, lower priority measures shall be applied only where higher priority  
8304 measures are determined to be infeasible or inapplicable.

8305            C. Mitigation shall be designed to:

8306            1. Achieve no net loss of ecological functions for each new development;

8307           2. Not require mitigation in excess of that necessary to assure that the  
8308 development will result in no net loss of shoreline ecological functions; and

8309           3. Not result in a significant adverse impact on other shoreline ecological  
8310 functions.

8311           D. When a critical area report is required by this chapter, the applicant shall  
8312 submit a report documenting the presence and types of wetlands and aquatic areas on the  
8313 site. If the development proposal will affect only a part of the development proposal site,  
8314 the department may limit the scope of the required critical area report to include only that  
8315 part of the site that is affected by the development proposal. The report shall document  
8316 how the proposal avoids and minimizes impacts to the greatest extent feasible and  
8317 document measures taken to mitigate unavoidable impacts to ensure the proposal causes  
8318 no net loss of ecological function. The applicant may combine a critical area report with  
8319 any studies required by other laws and regulations.

8320           E. When compensatory measures are appropriate under the mitigation priority  
8321 sequence in subsection A. of this section, preferential consideration shall be given to  
8322 measures that replace the impacted functions directly and in the immediate vicinity of the  
8323 impact. The department may approve alternative compensatory mitigation within the  
8324 watershed if the mitigation addresses limiting factors or identified critical needs for  
8325 shoreline resource conservation based on watershed or comprehensive resource  
8326 management plans applicable to the area of impact. The department may require  
8327 appropriate safeguards, terms or conditions as necessary to ensure no net loss of shoreline  
8328 ecological functions as conditions of approval for compensatory mitigation measures.

8329            SECTION 145. Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100  
8330 are hereby amended to read as follows:

8331            A. The shoreline use table in this section determines whether a specific use is  
8332 allowed within each of the shoreline environments. The shoreline environment is located  
8333 on the vertical column and the specific use is located on the horizontal row of the table.  
8334 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The  
8335 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be  
8336 interpreted as follows:

8337            1. If the cell is blank in the box at the intersection of the column and the row,  
8338 the use is prohibited in that shoreline environment;

8339            2. If the letter "P" appears in the box at the intersection of the column and the  
8340 row, the use may be allowed within the shoreline environment;

8341            3. If the letter "C" appears in the box at the intersection of the column and the  
8342 row, the use may be allowed within the shoreline environment subject to the shoreline  
8343 conditional use review procedures specified in K.C.C. 21A.44.100.

8344            4. If a number appears in the box at the intersection of the column and the row,  
8345 the use may be allowed subject to the appropriate review process in this section, the  
8346 general requirements of this chapter and the specific development conditions indicated  
8347 with the corresponding number in subsection C. of this section. If more than one number  
8348 appears after a letter, all numbers apply.

8349            5. If more than one letter-number combination appears in the box at the  
8350 intersection of the column and the row, the use is allowed in accordance with each letter-  
8351 number combination.

8352 6. A shoreline use may be allowed in the aquatic environment only if that  
 8353 shoreline use is allowed in the adjacent shoreland environment.

8354 7. This section does not authorize a land use that is not allowed by the  
 8355 underlying zoning, but may add additional restrictions or conditions or prohibit specific  
 8356 land uses within the shoreline jurisdiction. When there is a conflict between the  
 8357 permitted land uses in K.C.C. chapter 21A.08 and shoreline uses in this section,  
 8358 preference for shoreline uses shall first be given to water-dependent uses, then to water  
 8359 related uses and finally to water enjoyment uses. All uses in the shoreline jurisdiction  
 8360 must comply with all relevant county code provisions and with the King County  
 8361 Shoreline Master Program.

8362 B. Shoreline uses.

P - Permitted Use C - Shoreline Conditional Use <b>Blank</b> - Prohibited. Shoreline uses are allowed only if the underlying zoning allows the use. Shoreline uses are allowed in the aquatic environment only if the adjacent upland environment allows the use.	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
<b>Agriculture</b>								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
<b>Aquaculture (fish and wildlife management K.C.C. 21A.08.090)</b>								
Nonnative marine finfish aquaculture								



Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
<b>Boating Facilities</b>								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
<b>Commercial Development</b>								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry No. 1611, automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
<b>Government Services</b>								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10
<b>Forest Practices</b>								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
<b>Industry</b>								
Manufacturing (K.C.C. 21A.08.080)	P12							
<b>In-stream structural uses</b>								
Hydroelectric generation facility, wastewater treatment	C13	C13	C13			C13		C13

facility, and municipal water production (K.C.C. 21A.08.100)								
In-stream utility facilities (K.C.C. 21A.08.060)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
<b>Mining</b>								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
<b>Recreational Development</b>								
Recreational(♣) and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
<b>Residential Development</b>								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	
<u>Duplex, triplex, fourplex, ((♣))townhouse, apartment, mobile home park, cottage housing (K.C.C. 21A.08.030)</u>	P23	P			P			
Group residences (K.C.C. 21A.08.030)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			

Live-aboards	P28	P28	P28					P28
<b>Transportation and parking</b>								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
<b>Utilities</b>								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
<b>Regional land uses</b>								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30							

8363

C. Development conditions:

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1. In the Natural environment, limited to low intensity agriculture, such as

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livestock use with an animal unit density of no more than one per two acres in the

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shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to

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exceed twenty percent of the site area located within the shoreline jurisdiction.

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2.a. The supporting infrastructure for aquaculture may be located landward of

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the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

8370

b. The aquaculture operation must meet the standards in K.C.C. 21A.25.110.

8371

c. In aquatic areas adjacent to the residential shoreline environment, net pen

8372

facilities shall be located no closer than one thousand five hundred feet from the ordinary

8373 high water mark of this environment, unless the department allows a specific lesser  
8374 distance that it determines is appropriate based upon a visual impact analysis. Other  
8375 types of floating culture facilities may be located within one thousand five hundred feet  
8376 of the ordinary high water mark if supported by a visual impact analysis.

8377 d. In aquatic areas adjacent to the rural shoreline environment, net pen  
8378 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
8379 high water mark of this environment, unless the department allows a specific lesser  
8380 distance that it determines is appropriate based upon a visual impact analysis.

8381 e. In the natural shoreline environment and aquatic areas adjacent to the natural  
8382 shoreline environment, commercial net pens are prohibited and other aquaculture  
8383 activities are limited to activities that do not require structures, facilities, or mechanized  
8384 harvest practices and that will not alter the natural systems, features, or character of the  
8385 site.

8386 f. Farm-raised geoduck aquaculture requires a shoreline substantial  
8387 development permit if a specific project or practice causes substantial interference with  
8388 normal public use of the surface waters.

8389 g. A conditional use permit is required for new commercial geoduck  
8390 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of  
8391 planting and harvest shall not require a new conditional permit.

8392 3.a. New marinas are not allowed along the east shore of Maury Island, from  
8393 Piner Point to Point Robinson.

8394 b. Marinas must meet the standards in K.C.C. 21A.25.120.

8395 4. Water dependent general services land uses in K.C.C. 21A.08.050 are  
8396 allowed. Non-water dependent general services land uses in K.C.C. 21A.08.050 are only  
8397 allowed on sites that are not contiguous with the ordinary high water mark or on sites that  
8398 do not have an easement that provides direct access to the water.

8399 5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are  
8400 allowed.

8401 b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are  
8402 only allowed as part of a shoreline mixed-use development that includes water-dependent  
8403 uses.

8404 c. Non-water-oriented general services land uses must provide a significant  
8405 public benefit by helping to achieve one or more of the following shoreline master  
8406 program goals:

8407 (1) economic development for water-dependent uses;

8408 (2) public access;

8409 (3) water-oriented recreation;

8410 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife  
8411 habitat; and

8412 (5) protection and restoration of historic properties.

8413 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.

8414 Water-related business services uses are only allowed as part of a shoreline mixed-use  
8415 development and only if they support a water-dependent use. The water-related business  
8416 services uses must comprise less than one-half of the square footage of the structures or  
8417 the portion of the site within the shoreline jurisdiction.

8418           7.a Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

8419           b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as

8420 part of a shoreline mixed-use development if the non-water-dependent retail use supports

8421 a water-dependent use. Non-water-dependent uses must comprise less than one-half of

8422 the square footage of the structures or the portion of the site within the shoreline

8423 jurisdiction.

8424           c. Non-water-oriented retail uses must provide a significant public benefit by

8425 helping to achieve one or more of the following shoreline master program goals:

8426           (1) economic development for water-dependent uses;

8427           (2) public access;

8428           (3) water-oriented recreation;

8429           (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife

8430 habitat; and

8431           (5) protection and restoration of historic properties.

8432           8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-

8433 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a

8434 significant public benefit by helping to achieve one or more of the following shoreline

8435 master program goals:

8436           a. economic development for water-dependent uses;

8437           b. public access;

8438           c. water-oriented recreation;

8439           d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife

8440 habitat; and

8441 e. protection and restoration of historic properties.

8442 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

8443 b. Non-water-dependent government services in K.C.C. 21A.08.060 are only

8444 allowed as part of a shoreline mixed-use development if the non-water-dependent

8445 government use supports a water-dependent use. Non-water-dependent uses must

8446 comprise less than one-half of the square footage of the structures or the portion of the

8447 site within the shoreline jurisdiction. Only low-intensity water-dependent government

8448 services are allowed in the Natural environment.

8449 10. The following standards apply to government services uses within the

8450 Aquatic environment:

8451 a. Stormwater and sewage outfalls are allowed if upland treatment and

8452 infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on

8453 critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However,

8454 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,

8455 except from Piner Point to Point Robinson;

8456 b. Water intakes shall not be located near fish spawning, migratory, or rearing

8457 areas. Water intakes must adhere to Washington state Department of Fish and Wildlife

8458 fish screening criteria. To the maximum extent practical, intakes should be placed at

8459 least thirty feet below the ordinary high water mark;

8460 c. Desalinization facilities shall not be located near fish spawning, migratory,

8461 or rearing areas. Intakes should generally be placed deeper than thirty feet below the

8462 ordinary high water mark and must adhere to Washington state Department Fish and

8463 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated

8464 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner  
8465 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on  
8466 critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

8467 d. Cable crossings for telecommunications and power lines shall:

8468 (1) be routed around or drilled below aquatic critical habitat or species;

8469 (2) be installed in sites free of vegetation, as determined by physical or video  
8470 seabed survey;

8471 (3) be buried, preferably using directional drilling, from the uplands to  
8472 waterward of the deepest documented occurrence of native aquatic vegetation; and

8473 (4) use the best available technology;

8474 e. Oil, gas, water, and other pipelines shall meet the same standards as cable  
8475 crossings and in addition:

8476 (1) pipelines must be directionally drilled to depths of seventy feet or one half  
8477 mile from the ordinary high water mark; and

8478 (2) use the best available technology for operation and maintenance;

8479 f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or  
8480 within the Aquatic environment adjacent to the Conservancy and Natural shorelines.

8481 11. In the Natural environment, limited to low intensity forest practices that  
8482 conserve or enhance the health and diversity of the forest ecosystem or ecological and  
8483 hydrologic functions conducted for the purpose of accomplishing specific ecological  
8484 enhancement objectives. In all shoreline environments, forest practices must meet the  
8485 standards in K.C.C. 21A.25.130.



8486           12. Manufacturing uses in the shoreline environment must give preference first  
8487 to water-dependent manufacturing uses and second to water-related manufacturing uses:  
8488           a. Non-water-oriented manufacturing uses are allowed only:  
8489               (1) as part of a shoreline mixed-use development that includes a water-  
8490 dependent use, but only if the water-dependent use comprises over fifty percent of the  
8491 floor area or portion of the site within the shoreline jurisdiction;  
8492               (2) on sites where navigability is severely limited; or  
8493               (3) on sites that are not contiguous with the ordinary high water mark or on  
8494 sites that do not have an easement that provides direct access to the water; and  
8495               (4) all non-water-oriented manufacturing uses must also provide a significant  
8496 public benefit, such as ecological restoration, environmental clean-up, historic  
8497 preservation, or water-dependent public education;  
8498           b. public access is required for all manufacturing uses unless it would result in  
8499 a public safety risk or is incompatible with the use;  
8500           c. shall be located, designed, and constructed in a manner that ensures that  
8501 there are no significant adverse impacts to other shoreline resources and values((-));  
8502           d. restoration is required for all new manufacturing uses; and  
8503           e. boat repair facilities are not permitted within the Maury Island Aquatic  
8504 Reserve, except as follows:  
8505               (1) engine repair or maintenance conducted within the engine space without  
8506 vessel haul-out;  
8507               (2) topside cleaning, detailing, and bright work;  
8508               (3) electronics servicing and maintenance;

8509 (4) marine sanitation device servicing and maintenance that does not require  
8510 haul-out;  
8511 (5) vessel rigging; and  
8512 (6) minor repairs or modifications to the vessel's superstructure and hull  
8513 above the waterline that do not exceed twenty-five percent of the vessel's surface area  
8514 above the waterline.

8515 13. The water-dependent in-stream portion of a hydroelectric generation facility,  
8516 wastewater treatment facility and municipal water production are allowed, including the  
8517 upland supporting infrastructure, and shall provide for the protection and preservation, of  
8518 ecosystem-wide processes, ecological functions, and cultural resources, including, but not  
8519 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,  
8520 hydrogeological processes, and natural scenic vistas.

8521 14. New in-stream portions of utility facilities may be located within the  
8522 shoreline jurisdiction if:

8523 a. there is no feasible alternate location;

8524 b. provision is made to protect and preserve ecosystem-wide processes,  
8525 ecological functions, and cultural resources, including, but not limited to, fish and fish  
8526 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,  
8527 and natural scenic vistas; and

8528 c. the use complies with the standards in K.C.C. 21A.25.260.

8529 15. Limited to in-stream infrastructure, such as bridges, and must consider the  
8530 priorities of the King County Shoreline Protection and Restoration Plan when designing  
8531 in-stream transportation facilities. In-stream structures shall provide for the protection

8532 and preservation, of ecosystem-wide processes, ecological functions, and cultural  
8533 resources, including, but not limited to, fish and fish passage, wildlife and water  
8534 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

8535 16. Limited to hatchery and fish preserves.

8536 17. Mineral uses:

8537 a. must meet the standards in K.C.C. chapter 21A.22;

8538 b. must be dependent upon a shoreline location;

8539 c. must avoid and mitigate adverse impacts to the shoreline environment

8540 during the course of mining and reclamation to achieve no net loss of shoreline ecological

8541 function. In determining whether there will be no net loss of shoreline ecological

8542 function, the evaluation may be based on the final reclamation required for the site.

8543 Preference shall be given to mining proposals that result in the creation, restoration, or

8544 enhancement of habitat for priority species;

8545 d. must provide for reclamation of disturbed shoreline areas to achieve

8546 appropriate ecological functions consistent with the setting;

8547 e. may be allowed within the active channel of a river only as follows:

8548 (1) removal of specified quantities of sand and gravel or other materials at

8549 specific locations will not adversely affect the natural processes of gravel transportation

8550 for the river system as a whole;

8551 (2) the mining and any associated permitted activities will not have

8552 significant adverse impacts to habitat for priority species nor cause a net loss of

8553 ecological functions of the shoreline; and

8554 (3) if no review has been previously conducted under this subsection C.17.e.,  
8555 ~~((prior to))~~ before renewing, extending or reauthorizing gravel bar and other in-channel  
8556 mining operations in locations where they have previously been conducted, the  
8557 department shall require compliance with this subsection C.17.e. If there has been prior  
8558 review, the department shall review previous determinations comparable to the  
8559 requirements of this section C.17.e. to ensure compliance with this subsection under  
8560 current site conditions; and

8561 f. Must comply with K.C.C. 21A.25.190.

8562 18. Only water-dependent recreational uses are allowed, except for public parks  
8563 and trails, in the High Intensity environment and must meet the standards in K.C.C.  
8564 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

8565 19. Water-dependent and water-enjoyment recreational uses are allowed in the  
8566 Residential, Rural, and Forestry environments and must meet the standards in K.C.C.  
8567 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

8568 20. In the Conservancy environment, only the following recreation uses are  
8569 allowed and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C.  
8570 21A.25.150 for recreation:

8571 a. parks; and

8572 b. trails.

8573 21. In the Natural environment, only passive and low-impact recreational uses  
8574 are allowed.

8575 22. Single detached dwelling units must be located outside of the aquatic area  
8576 buffer and set back from the ordinary high water mark to the maximum extent practical.

8577 23. Only allowed as part of a water-dependent shoreline mixed-use development  
8578 where water-dependent uses comprise more than half of the square footage of the  
8579 structures on the portion of the site within the shoreline jurisdiction.

8580 24. Residential accessory uses must meet the following standards:

8581 a. docks, piers, moorage, buoys, floats, or launching facilities must meet the  
8582 standards in K.C.C. 21A.25.180;

8583 b. residential accessory structures located within the aquatic area buffer shall  
8584 be limited to a total footprint of one-hundred fifty square feet; and

8585 c. accessory structures shall be sited to preserve visual access to the shoreline  
8586 to the maximum extent practical.

8587 25. New highway and street construction is allowed only if there is no feasible  
8588 alternate location. Only low-intensity transportation infrastructure is allowed in the  
8589 Natural environment.

8590 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

8591 27. Only bed and breakfast guesthouses.

8592 28. Only in a marina.

8593 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

8594 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

8595 SECTION 146. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160

8596 are hereby amended to read as follows:

8597 A. The shoreline modification table in this section determines whether a specific  
8598 shoreline modification is allowed within each of the shoreline environments. The shoreline  
8599 environment is located on the vertical column and the specific use is located on the

8600 horizontal row of the table. The specific modifications are grouped by the shoreline  
8601 modification categories in WAC 173-26-231. The table should be interpreted as follows:

- 8602 1. If the cell is blank in the box at the intersection of the column and the row, the  
8603 modification is prohibited in that shoreline environment;
- 8604 2. If the letter "P" appears in the box at the intersection of the column and the row,  
8605 the modification may be allowed within the shoreline environment;
- 8606 3. If the letter "C" appears in the box at the intersection of the column and the row,  
8607 the modification may be allowed within the shoreline environment subject to the shoreline  
8608 conditional use review procedures specified in K.C.C. 21A.44.100;
- 8609 4. If a number appears in the box at the intersection of the column and the row, the  
8610 modification may be allowed subject to the appropriate review process indicated in this  
8611 section and the specific development conditions indicated with the corresponding number  
8612 immediately following the table, and only if the underlying zoning allows the modification.  
8613 If more than one number appears at the intersection of the column and row, both numbers  
8614 apply;
- 8615 5. If more than one letter-number combination appears in the box at the  
8616 intersection of the column and the row, the modification is allowed within that shoreline  
8617 environment subject to different sets of limitations or conditions depending on the review  
8618 process indicated by the letter, the specific development conditions indicated in the  
8619 development condition with the corresponding number immediately following the table;
- 8620 6. A shoreline modification may be allowed in the aquatic environment only if that  
8621 shoreline modification is allowed in the adjacent shoreland environment; and

8622 7. This section does not authorize a shoreline modification that is not allowed by  
 8623 the underlying zoning, but may add additional restrictions or conditions or prohibit specific  
 8624 modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline  
 8625 jurisdiction must comply with all relevant county code provisions and with the King County  
 8626 shoreline master program.

8627 B. Shoreline modifications.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
<b>Shoreline stabilization</b>								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
<b>Piers and docks</b>								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
<b>Fill</b>								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
<b>Breakwaters, jetties, groins, and weirs</b>								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
<b>Dredging and dredge material disposal</b>								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
<b>Shoreline habitat and natural systems enhancement projects</b>								

Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
<b>Vegetation management</b>								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

8628

C. Development conditions.

8629

1. New and replacement shoreline stabilization, including bulkheads, must meet

8630

the standards in K.C.C. 21A.25.170;

8631

2.a. Flood protection facilities must be consistent with the standards in K.C.C.

8632

chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16,

8633

2007, and the Integrated Stream Protection Guidelines (Washington state departments of

8634

Fish and Wildlife, Ecology and Transportation, 2003). New structural flood hazard

8635

protection measures are allowed in the shoreline jurisdiction only when the applicant

8636

demonstrates by a scientific and engineering analysis that the structural measures are

8637

necessary to protect existing development, that nonstructural measures are not feasible

8638

and that the impact on ecological functions and priority species and habitats can be

8639

successfully mitigated so as to assure no net loss of shoreline ecological functions. New

8640

flood protection facilities designed as shoreline stabilization must meet the standards in

8641

K.C.C. 21A.25.170.

8642

b. Relocation, replacement, or expansion of existing flood control facilities

8643

within the Natural environment are permitted, subject to the requirements of the King

8644

county Flood Hazard Reduction Plan and consistent with the Washington State Aquatic

8645

Guidelines Program's Integrated Streambank Protection Guidelines and bioengineering

8646

techniques used to the maximum extent practical. New facilities would only be permitted



8647 consistent with an approved watershed resources inventory area (WRIA) salmon recovery  
8648 plan under chapter 77.85 RCW.

8649 3. Docks, piers, moorage, buoys, floats, or launching facilities must meet the  
8650 standards in K.C.C. 21A.25.180;

8651 4.a. Filling must meet the standards in K.C.C. 21A.25.190.

8652 b. A shoreline conditional use permit is required to:

8653 (1) Place fill waterward of the ordinary high water mark for any use except  
8654 ecological restoration or for the maintenance and repair of flood protection facilities; and

8655 (2) Dispose of dredged material within shorelands or wetlands within a  
8656 channel migration zone;

8657 c. Fill shall not be placed in critical saltwater habitats except when all of the  
8658 following conditions are met:

8659 (1) the public's need for the proposal is clearly demonstrated and the proposal  
8660 is consistent with protection of the public trust, as embodied in RCW 90.58.020;

8661 (2) avoidance of impacts to critical saltwater habitats by an alternative  
8662 alignment or location is not feasible or would result in unreasonable and disproportionate  
8663 cost to accomplish the same general purpose;

8664 (3) the project including any required mitigation, will result in no net loss of  
8665 ecological functions associated with critical saltwater habitat; and

8666 (4) the project is consistent with the state's interest in resource protection and  
8667 species recovery((-)); and

8668 d. In a channel migration zone, any filling shall protect shoreline ecological  
8669 functions, including channel migration.

8670           5.a. Breakwaters, jetties, groins, and weirs:

8671           (1) are only allowed where necessary to support water dependent uses, public  
8672 access, approved shoreline stabilization, or other public uses, as determined by the  
8673 director;

8674           (2) are not allowed in the Maury Island Aquatic Reserve except as part of a  
8675 habitat restoration project or as an alternative to construction of a shoreline stabilization  
8676 structure;

8677           (3) shall not intrude into or over critical saltwater habitats except when all of  
8678 the following conditions are met:

8679           (a) the public's need for the structure is clearly demonstrated and the  
8680 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

8681           (b) avoidance of impacts to critical saltwater habitats by an alternative  
8682 alignment or location is not feasible or would result in unreasonable and disproportionate  
8683 cost to accomplish the same general purpose;

8684           (c) the project including any required mitigation, will result in no net loss of  
8685 ecological functions associated with critical saltwater habitat; and

8686           (d) the project is consistent with the state's interest in resource protection  
8687 and species recovery.

8688           b. Groins are only allowed as part of a restoration project sponsored or  
8689 cosponsored by a public agency that has natural resource management as a primary  
8690 function.

8691           c. A conditional shoreline use permit is required, except for structures installed  
8692 to protect or restore shoreline ecological functions.

8693 6. Excavation, dredging, and filling must meet the standards in K.C.C.

8694 21A.25.190. A shoreline conditional use permit is required to dispose of dredged

8695 material within shorelands or wetlands within a channel migration zone.

8696 7.a. If the department determines the primary purpose is restoration of the

8697 natural character and ecological functions of the shoreline, a shoreline habitat and natural

8698 systems enhancement project may include shoreline modification of vegetation, removal

8699 of nonnative or invasive plants, and shoreline stabilization, including the installation of

8700 large woody debris, dredging, and filling. Mitigation actions identified through

8701 biological assessments required by the National Marine Fisheries Services and applied to

8702 flood hazard mitigation projects may include shoreline modifications of vegetation,

8703 removal of nonnative or invasive plants, and shoreline stabilization, including the

8704 installation of large woody debris, dredging, and filling.

8705 b. Within the ((U))urban ((G))growth ((A))area, the county may grant relief

8706 from shoreline master program development standards and use regulations resulting from

8707 shoreline restoration projects consistent with criteria and procedures in WAC 173-27-

8708 215.

8709 8. Within the critical area and critical area buffer, vegetation removal is subject

8710 to K.C.C. chapter 21A.24.

8711 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing

8712 native vegetation located outside of the critical area and critical area buffer shall be

8713 retained to the maximum extent practical. Within the critical area and critical area buffer,

8714 vegetation removal is subject to K.C.C. chapter 21A.24.

8715            SECTION 147. Ordinance 3688, Section 413, as amended, and K.C.C. 21A.25.170  
8716 are hereby amended to read as follows:

8717            A. Shoreline stabilization shall ~~((not be considered an outright use and shall))~~ be  
8718 permitted only when the department determines that shoreline protection is necessary for  
8719 the protection of existing legally established primary structures and associated  
8720 appurtenances at imminent risk of damage, new or existing non-water-dependent  
8721 development, new or existing water-dependent development, or projects restoring  
8722 ecological functions or remediating hazardous substance discharges. ~~((Vegetation,~~  
8723 ~~berms, bioengineering techniques and other nonstructural alternatives that preserve the~~  
8724 ~~natural character of the shore shall be preferred over riprap, concrete revetments,~~  
8725 ~~bulkheads, breakwaters and other structural stabilization. Riprap using rock or other~~  
8726 ~~natural materials shall be preferred over concrete revetments, bulkheads, breakwaters and~~  
8727 ~~other structural stabilization.)) The at-risk structure or use should be relocated, if  
8728 feasible, in order to remove the need for shoreline stabilization. When relocation is  
8729 infeasible, the least impactful shoreline stabilization measure, as documented by analysis  
8730 in a geotechnical report, shall be used. Any replaced structural stabilization should be  
8731 moved as far landward of the ordinary high water mark as possible. Lesser impacting  
8732 measures should be used before more impacting measures.~~

8733            B. ~~((Structural s))~~ Shoreline stabilization may be permitted subject to the  
8734 standards in this chapter and as follows:

8735            1. The applicant shall provide~~((s))~~ a geotechnical analysis that demonstrates  
8736 that:

8737 a. the site's erosion ((from)) is caused by waves ((or currents is imminently  
8738 threatening or that, unless the structural shoreline stabilization is constructed, damage is  
8739 expected to occur)) and not upland drainage, erosion, or landslide hazard areas or  
8740 unauthorized clearing or grading; and

8741 b. The rate of erosion is likely to cause the primary structures, new or existing  
8742 water-dependent development or restoration project to be at imminent risk of damage  
8743 within three years;

8744 2. ~~((The erosion is not caused by upland conditions;~~

8745 3. ~~The proposed structural shoreline protection will provide greater protection~~  
8746 ~~than feasible, nonstructural alternatives such as slope drainage systems, vegetative~~  
8747 ~~growth stabilization, gravel berms and beach nourishment;~~

8748 4. ~~The proposal is the minimum necessary to protect existing legally established~~  
8749 ~~primary structures, new or existing non-water dependent development, new or existing~~  
8750 ~~water dependent development or projects restoring ecological functions or remediating~~  
8751 ~~hazardous substance discharges; and~~

8752 5. ~~Adequate mitigation measures will be provided to maintain existing shoreline~~  
8753 ~~processes and critical fish and wildlife habitat and ensure no net loss or function of~~  
8754 ~~intertidal or riparian habitat.)) If the requirements of subsection B.1. of this section are~~  
8755 met, the applicant shall include a geotechnical analysis of the following shoreline  
8756 stabilization measures and shall use the least ecologically impactful, technically feasible  
8757 option. Measures are provided as follows in order from the most preferred to least  
8758 preferred:

8759 a. nonstructural actions;

8760            b. soft shoreline stabilization; and

8761            c. hard shoreline stabilization; and

8762            3. If an existing stabilization structure is replaced, the original structure shall be  
8763 removed and the replacement structure shall be of the minimum size necessary to protect  
8764 upland development and uses.

8765            C. Shoreline stabilization ~~((to))~~ that replaces existing shoreline stabilization shall  
8766 be placed landward of the existing shoreline stabilization ~~((, but may be placed waterward~~  
8767 ~~directly abutting the old structure only in cases where removal of the old structure would~~  
8768 ~~result in greater impact on ecological functions. In critical saltwater habitats,))~~ and the  
8769 existing shoreline stabilization shall not be allowed to remain in place ~~((if the existing~~  
8770 ~~shoreline stabilization is resulting in the loss of ecological functions. Adequate~~  
8771 ~~mitigation measures that maintain existing shoreline processes and critical fish and~~  
8772 ~~wildlife habitat must be provided that ensures no net loss or function of intertidal or~~  
8773 ~~riparian habitat)).~~ The impacts of the proposed replacement shoreline stabilization shall  
8774 be mitigated to ensure no net loss of ecological function.

8775            D. The maximum height of the proposed shoreline stabilization shall be no more  
8776 than one foot above the elevation of ~~((extreme high water))~~ the highest observed tide on  
8777 tidal waters, as determined by ~~((the National Ocean Survey published by))~~ the nearest  
8778 National Oceanic and Atmospheric Administration long-term tidal gauge, or four feet in  
8779 height on lakes.

8780            E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater  
8781 habitat, unless a geotechnical report demonstrates an imminent danger to a legally  
8782 established structure or public improvement. If allowed, shoreline stabilization along

8783 feeder bluffs and critical saltwater habitat must be designed to have the least impact on  
8784 these resources and on sediment conveyance systems.

8785 F. Shoreline stabilization shall minimize the adverse impact on the property of  
8786 others to the maximum extent practical.

8787 G. A shoreline stabilization's width should be the minimum necessary to provide  
8788 protection against erosion from waves, currents, and tidal action. New and replacement  
8789 ~~((S))~~shoreline stabilization shall not be used to create new lands.

8790 H. Shoreline stabilization shall not interfere with surface or subsurface drainage  
8791 into the water body.

8792 I. Creosote timbers, treated wood, ((A))automobile bodies or other ~~((junk or~~  
8793 ~~waste))~~ materials that may release ~~((undesirable))~~ toxic material shall not be used for  
8794 shoreline stabilization.

8795 J. Shoreline stabilization shall be designed so as not to constitute a hazard to  
8796 navigation and to not substantially interfere with visual access to the water.

8797 K. Shoreline stabilization shall be designed so as not to create a need for  
8798 shoreline stabilization ~~((elsewhere))~~ on adjacent or down-current properties.

8799 L. Shoreline stabilization shall comply with the Marine Shoreline Design  
8800 Guidelines in marine waters (Washington Department of Fish and Wildlife 2014) or the  
8801 Integrated Stream Protection Guidelines (Washington state departments of Fish and  
8802 Wildlife, Ecology and Transportation, 2003) ((and shall be designed to allow for  
8803 ~~appropriate public access to the shoreline))~~ in fresh water.

8804 M. The department shall provide a notice to an applicant for new development or  
8805 redevelopment located within the shoreline jurisdiction on Vashon and Maury Island that

8806 the development may be impacted by sea level rise and recommend that the applicant  
8807 voluntarily consider setting the development back further than required by this title to  
8808 allow for future sea level rise.

8809 SECTION 148. Ordinance 13129, Section 2, as amended, and K.C.C.

8810 21A.27.010 are hereby amended to read as follows:

8811 A. When a new transmission support structure is proposed, a community meeting  
8812 shall be convened by the applicant (~~((prior to))~~) before submittal of an application.

8813 ~~((A.))~~ B. At least two weeks in advance, notice of the meeting shall be provided  
8814 as follows:

- 8815 1. Published in the local paper and mailed to the department, and
- 8816 2. Mailed notice shall be provided to all property owners within five hundred  
8817 feet or at least twenty of the nearest property owners, whichever is greater, as required by  
8818 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible  
8819 development, to be discussed at the community meeting. When the proposed  
8820 transmission support structure exceeds a height of one hundred twenty feet, the mailed  
8821 notice shall be provided to all property owners within one thousand feet. The mailed  
8822 notice shall at a minimum contain a brief description and purpose of the project, the  
8823 estimated height, approximate location noted on an assessor map with address and parcel  
8824 number, a photo or sketch of the proposed facility, a statement that alternative sites  
8825 proposed by (~~((citizens))~~) the public can be presented at the meeting that will be considered  
8826 by the applicant, a contact name and telephone number to obtain additional information,  
8827 and other information deemed necessary by King County. Because the purpose of the  
8828 community meeting is to promote early discussion, applicants are encouraged to note any



8829 changes to the conceptual information presented in the mailed notice when they submit  
8830 an application.

8831 ~~((B.))~~ C. At the community meeting at which at least one employee of the  
8832 department of local services, permitting division, assigned by the permitting division  
8833 manager or designee, shall be in attendance, the applicant shall provide information  
8834 relative to existing transmission support structures and other nonresidential structures,  
8835 such as water towers and electrical transmission lines, within one-quarter mile of  
8836 potential sites, and shall discuss reasons why those existing structures are unfeasible.  
8837 Furthermore, any alternative sites within one-quarter mile, identified by community  
8838 members and provided to the applicant in writing at least five days in advance of the  
8839 meeting, shall be evaluated by the applicant to the extent possible given the timeframe,  
8840 and discussed at the meeting. A listing of the sites, identified in writing and provided to  
8841 the applicant at or before the community meetings, shall be submitted to the department  
8842 with the proposed application. Applicants shall also provide a list of meeting attendees  
8843 and those receiving mailed notice and a record of the published meeting notice at the time  
8844 of application submittal.

8845 SECTION 149. Ordinance 13129, Section 11, as amended, and K.C.C. 21A.27.110  
8846 are hereby amended to read as follows:

8847 A. The mounting of antenna upon existing structures, such as light and power poles,  
8848 located within publicly or privately maintained street, utility, and railroad ~~((right-of-ways))~~  
8849 rights of way is permitted outright. If an existing structure within a street, utility, or railroad  
8850 ~~((rights-of-ways))~~ rights of way cannot accommodate an antenna due to structural deficiency  
8851 or does not have the height required to provide adequate signal coverage, the structure may

8852 be replaced with a new structure that will serve the original purpose and will not exceed the  
8853 original height by forty feet. However, minor communication facilities within street, utility,  
8854 and railroad (~~(right-of-way)~~) right of way that propose the construction of a separate  
8855 structure used solely for antenna shall be subject to the zoning provisions applicable to the  
8856 property abutting the portion of (~~(right-of-way)~~) right of way where the structure is proposed  
8857 except that the setbacks specified in the zoning code shall not apply. Setbacks shall be those  
8858 specified in the road design standards. In cases where the abutting property on either side of  
8859 the right-of-way has different zoning, the more restrictive zoning provisions shall apply.

8860 B. The placement of antenna on existing or replacement structures within street,  
8861 utility, or railroad rights-of-way is the preferred alternative in residential neighborhoods and  
8862 the Rural Area(~~(s)~~), as defined by the King County Comprehensive Plan, and designated  
8863 Natural Resource Lands and the feasibility of such placement shall be considered by the  
8864 county whenever evaluating a proposal for a new transmission support structure, except for  
8865 a new structure that is proposed to collocate antenna for two or more separate service  
8866 providers.

8867 SECTION 150. Ordinance 10870, Section 512, as amended, and K.C.C.  
8868 21A.28.020 are hereby amended to read as follows:

8869 A. All new development proposals including any use, activity, or structure  
8870 allowed by K.C.C. chapter 21A.08 that requires King County approval shall be  
8871 adequately served by the following facilities and services (~~(prior to)~~) before the time of  
8872 occupancy, recording or other land use approval, as further specified in this chapter:

- 8873 1. (~~(s)~~)Sewage disposal;
- 8874 2. (~~(w)~~)Water supply;

- 8875 3. ~~((s))~~Surface water management;  
8876 4. ~~((f))~~Roads and access;  
8877 5. ~~((f))~~Fire protection service; and  
8878 6. ~~((s))~~Schools.

8879 B. All new development proposals for building permits, plats, short plats, ~~((urban~~  
8880 ~~planned developments, fully contained communities))~~ and binding site plans, that will be  
8881 served by a sewer or water district, shall include a certificate of water availability and a  
8882 certificate of sewer availability to demonstrate compliance with this chapter and other  
8883 provisions of the King County Code, the King County Comprehensive Plan, and the  
8884 Growth Management Act.

8885 C. Regardless of the number of sequential permits required, ~~((the provisions of))~~  
8886 this chapter shall be applied only once to any single development proposal. If changes  
8887 and modifications result in impacts not considered when the proposal was first approved,  
8888 the county shall consider the revised proposal as a new development proposal.

8889 SECTION 151. Ordinance 10870, Section 513, as amended, and K.C.C.  
8890 21A.28.030 are hereby amended to read as follows:

8891 All new development shall be served by an adequate public or private sewage  
8892 disposal system, including both collection and treatment facilities as follows:

8893 A. A public sewage disposal system is adequate for a development proposal  
8894 provided that:

8895 1. For the issuance of a building permit, preliminary plat or short plat approval,  
8896 or other land use approval, the site of the proposed development is or can be served by an  
8897 existing disposal system consistent with K.C.C. Title 13, and the disposal system has

8898 been approved by the department as being consistent with applicable state and local  
8899 design and operating guidelines;

8900 2. For the issuance of a certificate of occupancy for a building or change of use  
8901 permit, the approved public sewage disposal system as ~~((set forth))~~ required in subsection  
8902 A.1. of this section is installed to serve each building or lot;

8903 3. For recording a final plat, final short plat, or binding site plan, the approved  
8904 public sewage disposal system ~~((set forth))~~ required in subsection A.1. of this section  
8905 shall be installed to serve each lot respectively; or a bond or similar security shall be  
8906 deposited with King County for the future installation of an adequate sewage disposal  
8907 system. The bond may be assigned to a utility to assure the construction of the facilities  
8908 within two years of recording; and

8909 4. For a zone reclassification ~~((or urban planned development permit))~~, the  
8910 timing of installation of required sewerage improvements shall be contained in the  
8911 approving ordinance as specified in K.C.C. 20.22.250; and

8912 B. A private individual sewage system is adequate, if an on-site sewage disposal  
8913 system for each individual building or lot is installed to meet the requirements and  
8914 standards of the ~~((department of))~~ public health - Seattle & King County as to lot size,  
8915 soils, and system design ~~((prior to))~~ before issuance of a certificate of occupancy for a  
8916 building or change of use permit.

8917 SECTION 152. Ordinance 10870, Section 514, as amended, and K.C.C.

8918 21A.28.040 are hereby amended to read as follows:

8919 All new development shall be served by an adequate public or private water  
8920 supply system as follows:

8921           A. A public water system is adequate for a development proposal only if:

8922           1. For the issuance of a building permit, preliminary plat approval, or other land

8923 use approval, the applicant demonstrates that the existing water supply system available

8924 to serve the site:

8925           a. complies with the applicable planning, operating, and design requirements

8926 of:

8927           (1) chapters WAC 246-290 and 246-291;

8928           (2) K.C.C. chapters 14.42 and 14.44 and K.C.C. Title 17;

8929           (3) coordinated water system plans;

8930           (4) K.C.C. Titles 12 and 13 and other applicable rules of the King County

8931 board of health;

8932           (5) applicable rules of the Washington state Board of Health, Department of

8933 Health, Utilities and Transportation Commission, and Department of Ecology;

8934           (6) applicable provisions of King County groundwater management plans and

8935 watershed plans;

8936           (7) applicable provisions of the King County Comprehensive Plan and

8937 development regulations; and

8938           (8) any limitation or condition imposed by the county-approved

8939 comprehensive plan of the water purveyor;

8940           b. ~~((F))~~the proposed improvements to an existing water system have been

8941 reviewed by the department and determined to comply with the design standards and

8942 conditions specified in subsection A.1.a. of this section; and

8943 c. ((A)) a proposed new water supply system has been reviewed by the  
8944 department and determined to comply with the design standards and conditions specified  
8945 in subsection A.1.a. of this section;

8946 2. Before issuance of a certificate of occupancy for a building or change of use  
8947 permit, the approved public water system, and any system improvements in subsection  
8948 A.1. of this section are installed to serve each building or lot respectively;

8949 3. For recording a final plat, final short plat, or binding site plan, either the  
8950 approved public water supply system or system improvements in subsection A.1. of this  
8951 section are installed to serve each lot or a bond or similar security shall be deposited with  
8952 King County and may be assigned to a purveyor to assure the construction of required  
8953 water facilities in Group A systems as defined by board of health regulations, within two  
8954 years of recording; and

8955 4. For a zone reclassification ((~~or urban planned development permit~~)), the  
8956 timing of installation of required water system improvements is included in the approving  
8957 ordinance as specified in K.C.C. 20.22.250.

8958 B. An on-site individual water system is adequate and the plat or short plat may  
8959 receive preliminary and final approval, and a building or change of use permit may be  
8960 issued as provided in K.C.C. 13.24.138 and 13.24.140.

8961 SECTION 153. Ordinance 10870, Section 515, as amended, and K.C.C.

8962 21A.28.050 are hereby amended to read as follows:

8963 All new development shall be served by an adequate surface water management  
8964 system as follows:

8965           A. The proposed system is adequate if the development proposal site is served by  
8966 a surface water management system approved by the department as being consistent with  
8967 the design, operating and procedural requirements of the King County Surface Water  
8968 Design Manual and K.C.C. Title 9;

8969           B. For a subdivision((;)) or zone reclassification ((~~or urban planned~~  
8970 ~~development~~)), the phased installation of required surface water management  
8971 improvements shall be stated in the approving ordinance as specified in K.C.C.  
8972 20.22.250. Such phasing may require that a bond or similar security be deposited with  
8973 King County; and

8974           C. A request for an adjustment of the requirements of the Surface Water Design  
8975 Manual and K.C.C. Title 9 shall be reviewed in accordance with K.C.C. 9.04.050 and  
8976 does not require a variance from this title unless relief is requested from a building  
8977 height, setback, landscaping or other development standard in K.C.C. chapters 21A.12,  
8978 21A.14, 21A.16, 21A.18, 21A.20, 21A.22, 21A.24, 21A.26, 21A.28, and 21A.30.

8979           SECTION 154. Ordinance 10870, Section 523, as amended, and K.C.C.  
8980 21A.28.130 are hereby amended to read as follows:

8981           All new development shall be served by adequate fire protection as follows:

8982           A. The site of the development proposed is served by a water supply system that  
8983 provides at least minimum fire flow and a road system or fire lane system that provides life  
8984 safety and rescue access, and other fire protection requirements for buildings as required by  
8985 K.C.C. Titles 16 and 17;

8986           B. For a zone reclassification ((~~or urban planned development~~)), the timing of  
8987 installation of required fire protection improvements shall be stated in the approving

8988 ordinance as specified in K.C.C. 20.22.250, secured with a bond or similar security, and  
8989 deposited with King County; and

8990 C. A variance request from the requirements established by K.C.C. Title 17, Fire  
8991 Code, shall be reviewed in accordance with K.C.C. 17.08.090 or chapter 1 of the currently  
8992 adopted edition of the International Fire Code and does not require a variance from this title  
8993 unless relief is requested from a building height, setback, landscaping, or other development  
8994 standard in K.C.C. chapters 21A.12 through 21A.30.

8995 SECTION 155. Ordinance 10870, Section 524, as amended, and K.C.C.  
8996 21A.28.140 are hereby amended to read as follows:

8997 A. The school concurrency standard set out in ~~((Section))~~ K.C.C. 21A.28.160 shall  
8998 apply to applications for preliminary plats ~~((or Urban Planned Development (UPD)~~  
8999 ~~approval))~~, mobile home parks, ~~((requests for multifamily zoning,))~~ and building permits for  
9000 multifamily housing projects ~~((which))~~ that have not been previously evaluated for  
9001 compliance with the concurrency standard.

9002 B. The county's finding of concurrency shall be made at the time of preliminary plat  
9003 ~~((or UPD))~~ or binding site plan approval~~((, at the time that a request to actualize potential~~  
9004 ~~multifamily zoning is approved, at the time a mobile home park site plan is approved,))~~ or  
9005 ~~((prior to))~~ before building permit issuance for multifamily housing projects ~~((which))~~ that  
9006 have not been previously established for compliance with the concurrency standard. ~~((Once~~  
9007 ~~such a finding has been made, the development shall be considered as vested for purposes of~~  
9008 ~~the concurrency determination.))~~

9009 C. Excluded from the application of the concurrency standard are:

9010 1. building permits for individual single family dwellings;



9011           2. any form of housing exclusively for seniors ~~((citizens))~~, including nursing  
9012 homes and retirement centers;

9013           3. shelters for temporary placement, relocation facilities and transitional housing  
9014 facilities~~((:));~~

9015           4. Replacement, reconstruction, or remodeling of existing dwelling units;

9016           5. Short subdivisions; and

9017           6. ~~((Building permits for residential units in preliminary planned unit  
9018 developments which were under consideration by King County on January 22, 1991;  
9019 7. Building permits for residential units in recorded planned unit developments  
9020 approved pursuant to K.C.C. Title 21 that have not yet expired per K.C.C. 21.56.060;  
9021 8. Building permits applied for by December 31, 1993, related to rezone  
9022 applications to actualize potential zoning which were under consideration by King County  
9023 on January 22, 1991;  
9024 9. Building permits applied for by December 31, 1993, related to residential  
9025 development proposals for site plan review to fulfill P-Suffix requirements of multifamily  
9026 zoning which were under consideration by King County on January 22, 1991; and  
9027 10.)) Any residential building permit for any development proposal for which a  
9028 concurrency determination has already been made ~~((pursuant to the terms of))~~ in accordance  
9029 with K.C.C. Title 21A.~~

9030           D. All of the development activities ~~((which))~~ that are excluded from the application  
9031 of the concurrency standard are subject to school impact fees imposed ~~((pursuant to))~~ under  
9032 K.C.C. Title 27.

9033 E. The assessment and payment of impact fees are governed by and shall be subject  
9034 to the provisions in K.C.C. Title 27 addressing school impact fees.

9035 F. A ~~((certification))~~ finding of concurrency for a school district shall not preclude  
9036 the county from collecting impact fees for the district. Impact fees may be assessed and  
9037 collected as long as the fees are used to fund capital and system improvements needed to  
9038 serve the new development, and as long as the use of such fees is consistent with ~~((the~~  
9039 ~~requirements of C))~~ chapter 82.02 RCW and this chapter. ~~((Pursuant to))~~ In accordance with  
9040 ~~((C))~~ chapter 82.02 RCW, impact fees may also be used to recoup capital and system  
9041 improvement costs previously incurred by a school district to the extent that new growth and  
9042 development will be served by the previously constructed improvements or incurred costs.

9043 SECTION 156. K.C.C. 21A.28.160, as amended by this ordinance, is hereby  
9044 recodified as a new section in K.C.C. chapter 21A.28 to follow K.C.C. 21A.28.140.

9045 SECTION 157. Ordinance 10870, Section 526, as amended, and K.C.C.  
9046 21A.28.160 are hereby amended to read as follows:

9047 A. Schools shall be considered to have been provided concurrently with the  
9048 development ~~((which))~~ that will impact the schools if:

9049 1. The permanent and interim improvements necessary to serve the development  
9050 are planned to be in place at the time the impacts of development are expected to occur; or

9051 2. The necessary financial commitments are in place to assure the completion of  
9052 the needed improvements to meet the school district's standard of service within ~~((3))~~ three  
9053 years of the time that the impacts of development are expected to occur. Necessary  
9054 improvements are those facilities identified by the school district in its capital facilities plan  
9055 as reviewed and adopted by King County.

9056 B. Any combination of the following shall constitute the "necessary financial  
9057 commitments" for the purposes of subsection A((-)) of this section:

9058 1. The school district either has received voter approval of ~~((and/))~~ a bond or has  
9059 bonding authority, or both;

9060 2. The school district has received approval for federal, state, or other ~~((funds))~~  
9061 monies;

9062 3. The school district has received a secured commitment from a developer that the  
9063 developer will construct the needed permanent school facility, and the school district has  
9064 found such a facility to be acceptable and consistent with its capital facilities plan; ~~((and/))~~or

9065 4. The school district has other assured funding, including, but not limited to  
9066 school impact fees ~~((which))~~ that have been paid.

9067 C. Compliance with ~~((this))~~ the concurrency requirement of this section shall be  
9068 sufficient to satisfy ~~((the provisions of))~~ RCW 58.17.060 and ~~((RCW))~~ 58.17.110.

9069 SECTION 158. K.C.C. 21A.28.150, as amended by this ordinance, is hereby  
9070 recodified as a new section in K.C.C. chapter 21A.28 to follow K.C.C. 21A.28.160, as  
9071 recodified by this ordinance.

9072 SECTION 159. Ordinance 10870, Section 525, as amended, and K.C.C.  
9073 21A.28.150 are hereby amended to read as follows:

9074 A. In making a threshold determination ~~((pursuant to))~~ in accordance with SEPA,  
9075 either the director ~~((and/))~~or the hearing examiner, or both, in the course of reviewing  
9076 proposals for residential development including applications for plats ~~((or UPD's))~~,  
9077 mobile home parks, ~~((or multi-family zoning))~~ binding site plans, and multifamily

9078 building permits, shall consider the school district's capital facilities plan as adopted by  
9079 the council.

9080 B. Documentation (~~((which))~~) that the school district is required to submit  
9081 (~~((pursuant to section))~~) under K.C.C. 21A.28.152 or K.C.C. Title 20((-)) shall be  
9082 incorporated into the record in every case without requiring the school district to offer  
9083 such plans and data into the record. The school district is also authorized to present  
9084 testimony and documents demonstrating a lack of concurrency in the school district and  
9085 the inability of the school district to accommodate the students to be generated by a  
9086 specific development.

9087 C. Based upon a finding that the impacts generated by the plat, (~~((the UPD,))~~)  
9088 mobile home park, or the (~~((multi-family))~~) multifamily development were generally not  
9089 anticipated at the time of the last council review and approval of a school district capital  
9090 plan and were not included in the school district's long-range forecast, the director may  
9091 require or recommend phasing or provision of the needed facilities and(~~((/or))~~) sites as  
9092 appropriate to address the deficiency or deny or condition approval, consistent with (~~((the~~  
9093 ~~provisions of))~~) this chapter, the State Subdivision Act, and (~~((the State Environmental~~  
9094 ~~Policy Act))~~) SEPA.

9095 D. Determinations of the examiner or director regarding concurrency can be  
9096 appealed only (~~((pursuant to))~~) in accordance with the provisions for appeal of the  
9097 development permit process for which the determination has been made. Where no other  
9098 administrative appeal process is available, an appeal may be taken to the hearing  
9099 examiner using the appeal procedures for variances. Any errors in the formula identified  
9100 as a result of an appeal should be referred to the council for possible modifications.

9101 E. Where the council has not adopted an impact fee ordinance for a particular  
9102 school district, ~~((the language of))~~ this section shall not affect the authority or duties of  
9103 the examiner or the director ~~((pursuant to the State Environmental Policy Act))~~ under  
9104 SEPA or the State Subdivision Act.

9105 SECTION 160. Ordinance 11621, Section 89, and K.C.C. 21A.28.152 are hereby  
9106 amended to read as follows:

9107 A. On an annual basis, each school district shall electronically submit the  
9108 following materials to the chair of the ~~((S))~~ school ~~((T))~~ technical ~~((R))~~ review  
9109 ~~((C))~~ committee created ~~((pursuant to section))~~ in accordance with K.C.C. 21A.28.154:

9110 1. The school district's capital facilities plan adopted by the school board  
9111 ~~((which))~~ that is consistent with the Growth Management Act~~((:))~~;

9112 2. The school district's enrollment projections over the next six ~~((6))~~ six years,  
9113 its current enrollment and ~~((the district's enrollment projections and))~~ actual enrollment  
9114 from the previous year~~((:))~~;

9115 3. The school district's standard of service~~((:))~~, which may include criteria such  
9116 as class size, student-teacher ratios, sports field sizes, building requirements, or other  
9117 criteria established by state statute or school district policy;

9118 4. An inventory and evaluation of school district facilities ~~((which))~~ that address  
9119 the school district's standard of service~~((:))~~; and

9120 5. The school district's overall capacity over the next six ~~((6))~~ six years, which  
9121 shall be a function of the school district's standard of service as measured by the number  
9122 of students ~~((which))~~ that can be housed in school district facilities.

9123 B. To the extent that the school district's standard of service reveals a deficiency  
9124 in its current facilities, the school district's capital facilities plan must demonstrate a plan  
9125 for achieving the standard of service, and must identify the sources of funding for  
9126 building or acquiring the necessary facilities to meet the standard of service.

9127 C. Facilities to meet future demand shall be designed to meet the adopted  
9128 standards of service. If sufficient funding is not projected to be available to fully fund a  
9129 school district capital facilities plan (~~(which)~~) that meets the standard of service, the  
9130 school district's capital plan should document the reason for the funding gap.

9131 D. In accordance with RCW 82.02.070, ((F))if an impact fee ordinance has been  
9132 adopted on behalf of a school district, the King County finance and business operations  
9133 division, or successor agency, shall send the chair of the committee a report showing the  
9134 source and amount of all fees collected, interest earned on behalf of each school district,  
9135 the amount of funds distributed to each school district, and the system improvements that  
9136 were financed in whole or in part by impact fees and the amount of funds expended as  
9137 reported by the school district. The chair of the committee shall provide a copy of each  
9138 report to the respective school district.

9139 E. Each school district shall (~~(also submit an annual)~~) annually report on their use  
9140 of funds to the (~~(School Technical Review)~~) chair of the (~~(C)~~)committee showing the  
9141 capital improvements (~~(which)~~) that were financed in whole or in part by the impact fees.  
9142 The chair of the committee shall use the information to confirm expenditures with the  
9143 department of executive services, finance and business operations division, and to verify  
9144 compliance with RCW 82.02.070.

9145            SECTION 161. Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154  
9146 are hereby amended to read as follows:

9147            A. There is hereby created ~~((**a**))~~ the school technical review committee ~~((within~~  
9148 ~~King County. The committee shall consist of three county staff persons,))~~ consisting of  
9149 the following representatives:

9150            1. ~~((**o**))~~One ~~((each))~~ from the department of local services~~((;))~~;

9151            2. One from the office of performance, strategy and budget; and

9152            3. One from the county council.

9153            B. The representative from the department of local services shall serve as the  
9154 chair of the committee.

9155            C. The committee shall be charged with reviewing each school district's capital  
9156 facilities plan~~((;))~~; enrollment projections~~((;))~~; standard of service~~((, the district's))~~;  
9157 overall capacity for the next six years to ensure consistency with the Growth  
9158 Management Act, King County Comprehensive Plan<sub>2</sub>, and adopted ~~((community))~~ subarea  
9159 plans~~((;))~~; and ~~((the district's))~~ calculation and rationale for proposed impact fees.

9160            ~~((C. Notice of the time and place of the committee meeting where the district's~~  
9161 ~~documents will be considered shall be provided to the district.))~~

9162            D. Committee meetings shall be open to the public. The chair of the committee  
9163 shall post online public notice of the time and place of a committee meeting least two  
9164 weeks in advance of the meeting. Materials submitted under K.C.C. 21A.28.152.A. shall  
9165 be posted online at the same time as the meeting notice.

9166            E. At the meeting where the committee will review or act upon the school  
9167 district's documents, ~~((the))~~ school district representatives ~~((shall have the right to))~~ may

9168 attend ~~((or to be represented, and shall be permitted to))~~ and present testimony to the  
9169 committee. ~~((Meetings shall also be open to the public.~~

9170 ~~E.))~~ F. In its review, the committee shall consider the following factors:

9171 1. Whether the school district's forecasting system for enrollment projections  
9172 has been demonstrated to be reliable and reasonable~~((-))~~;

9173 2. The historic levels of funding and voter support for bond issues in the school  
9174 district;

9175 3. The inability of the school district to obtain the anticipated state funding or to  
9176 receive voter approval for school district bond issues;

9177 4. An emergency or emergencies in the school district ~~((which))~~ that required  
9178 the closing of a school facility or facilities resulting in a sudden and unanticipated decline  
9179 in districtwide capacity; ~~((and))~~

9180 5. The standards of service set by school districts in similar types of  
9181 communities. While community differences will be permitted, the standard established  
9182 by the school district should be reasonably consistent with the standards set by other  
9183 school districts in communities of similar socioeconomic profile; and

9184 6. The standards identified by the state concerning the ratios of certificated  
9185 instructional staff to students.

9186 ~~((F-))~~ G. In the event that the school district's standard of service reveals a  
9187 deficiency in its current facilities, the committee shall review the school district's capital  
9188 facilities plan to determine whether the school district has identified all sources of  
9189 funding necessary to achieve the standard of service.



9190            ~~((G.))~~ H. The school district in developing the financing plan component of the  
9191 capital facilities plan shall plan on a six-year horizon and shall ~~((demonstrate its best  
9192 efforts by taking))~~ document that it took the following steps:

9193            1. Establish a six-year financing plan, and propose the necessary bond issues  
9194 and levies required by and consistent with that plan and as approved by the school board  
9195 and consistent with RCW 28A.53.020, 84.52.052 and 84.52.056, as amended; and

9196            2. Apply to the state for funding, and comply with the state requirement for  
9197 eligibility to the best of the school district's ability.

9198            ~~((H.))~~ I. The committee ~~((is authorized to))~~ may request ~~((the))~~ that a school  
9199 district ~~((to))~~ review and ~~((to))~~ resubmit its capital facilities plan, ~~((or to))~~ establish a  
9200 different standard of service, or ~~((to))~~ review its capacity for accommodating new  
9201 students, or any combination thereof, under any of the following circumstances:

9202            1. The standard of service established by the school district is not reasonable in  
9203 light of the factors ~~((set forth))~~ in subsection ~~((E.))~~ G. of this section~~((.))~~;

9204            2. The committee finds that the school district's standard of service cannot  
9205 reasonably be achieved in light of the secured financial commitments and the historic  
9206 levels of support in the school district; or

9207            3. Any other basis that is consistent with this section.

9208            ~~((I.))~~ J. If a school district fails to submit its capital facilities plan for review by  
9209 the committee, King County shall assume the school district has adequate capacity to  
9210 accommodate growth for the following six years.

9211            ~~((J.))~~ K. The chair of the committee shall document the outcome of the  
9212 committee meeting each school district's capital facility plan and associated proposed

9213 impact fees in a report. The report shall include analysis consistent with subsections E.  
9214 through I. of this section. The chair of ((F))the committee shall submit copies of its  
9215 ((recommendation of concurrency for each school district)) report to the director, ((to  
9216 the)) hearing examiner and ((to the)) school districts and shall post the report online.

9217 ((K-)) L. In accordance with K.C.C. 20.18.060 and 20.18.070 and based on  
9218 committee input, ((F))the chair of the committee shall recommend to the executive, and  
9219 the executive shall transmit to the council, a proposed Comprehensive Plan amendment  
9220 adopting the school district's capital facilities plan as part of the Comprehensive Plan, for  
9221 any plan ((which)) that the committee concludes accurately reflects the school district's  
9222 facilities status. The transmittal shall include the report required by subsection J. of this  
9223 section.

9224 ((L-)) M. In the event that after reviewing ((the)) a school district's capital  
9225 facilities plan and other documents, the committee is unable to recommend ((certifying  
9226 concurrency in a)) adoption of the school district's capital facilities plan, the chair of the  
9227 committee shall submit a statement to the council, ((the)) director, ((and the)) hearing  
9228 examiner, and school district stating ((that)) the committee's ((is unable to recommend  
9229 certifying concurrency in a specific school district)) findings. The committee shall then  
9230 recommend to the executive ((that)), and the executive ((propose)) shall transmit to the  
9231 council consistent with the school capital facility plan timelines established in K.C.C.  
9232 20.18.060 and 20.18.070, either proposed amendments to the land use element of the  
9233 King County Comprehensive Plan or proposed amendments to the development  
9234 regulations implementing the plan, or both, to more closely conform county land use  
9235 plans and school district capital facilities plans, including, but not limited to, requiring

9236 mandatory phasing of plats(~~(, UPDs)~~) or multifamily development located within the  
9237 school district's boundary. (~~The necessary draft amendments shall accompany such~~  
9238 ~~recommendations.~~)

9239 SECTION 162. Ordinance 11621, Section 91, as amended, and K.C.C. 21A.28.156  
9240 are hereby amended to read as follows:

9241 A. On at least an annual basis in accordance with K.C.C. 20.18.060 and  
9242 20.18.070, the King County council shall (~~certify~~) adopt the school district's capital  
9243 facility plans. (~~The review may occur in conjunction with any update of the Facilities~~  
9244 ~~and Services chapter of the King County Comprehensive Plan proposed by the school~~  
9245 ~~technical review committee.~~)

9246 B. The council shall review and consider any proposal or proposals submitted by  
9247 the school technical review committee for amending the land use policies of the King  
9248 County Comprehensive Plan, or the development regulations implementing the plan,  
9249 including but not limited to requiring mandatory phasing of plats(~~(, UPDs)~~) or  
9250 multifamily development when the committee is unable to recommend (~~a certification of~~  
9251 ~~concurrency in~~) adoption for a specific school district in accordance with K.C.C.  
9252 21A.28.154. Any proposed amendments to the (~~e~~)Comprehensive (~~p~~)Plan or  
9253 development regulations shall be subject to the public hearing and other procedural  
9254 requirements set out in K.C.C. Title 20 (~~or 21A, as applicable~~).

9255 C. The council may (~~require the committee to submit proposed amendments or~~  
9256 ~~may itself~~) initiate amendments to the land use policies of the King County  
9257 Comprehensive Plan, or amendments to the development regulations implementing the

9258 plan, to more closely conform county land use plans and school district capital facilities  
9259 plans.

9260 SECTION 163. Ordinance 11168, Section 14, as amended, and K.C.C. 21A.30.075  
9261 are hereby amended to read as follows:

9262 In order to ensure that livestock standards and management plans are customized as  
9263 much as possible to the stream conditions in each of the various streams, the King County  
9264 agriculture commission will, in cooperation with the Washington State Department of  
9265 Fisheries and the Muckleshoot Indian Tribe, the Snoqualmie Indian Tribe, and other  
9266 affected Indian tribes, establish a livestock interdisciplinary team consisting of three  
9267 members, with expertise in fisheries, water quality, and animal husbandry, to make specific  
9268 recommendations to the Conservation District and livestock owners adjacent to the streams  
9269 with regard to buffer needs throughout the parts of each stream which have livestock  
9270 operations adjoining such streams. The team shall take into account (~~the recommendations~~  
9271 ~~of the adopted Basin Plans and~~) WRIA recommendations, and shall work with the  
9272 department of natural resources and parks to develop the recommendations. The findings of  
9273 the interdisciplinary team shall be reported to the King County agriculture commission,  
9274 which shall assist in the dissemination of the recommendations to owners in the basin. The  
9275 team shall work initially on those stream systems in which specific problems have been  
9276 identified and are believed to be livestock related.

9277 SECTION 164. Ordinance 10870, Section 536, as amended, and K.C.C.  
9278 21A.30.080 are hereby amended to read as follows:

9279 In the R, UR, NB, CB<sub>2</sub> and RB zones, residents of a dwelling unit may conduct one  
9280 or more home occupations as accessory activities, only if:

9281           A. The total floor area of the dwelling unit devoted to all home occupations shall  
9282 not exceed twenty percent of the floor area of the dwelling unit((-));

9283           B. Areas within garages and storage buildings shall not be considered part of the  
9284 dwelling unit and may be used for activities associated with the home occupation;

9285           C. All the activities of the home occupation or occupations shall be conducted  
9286 indoors, except for those related to growing or storing of plants used by the home  
9287 occupation or occupations;

9288           D. A home occupation or occupations is not limited in the number of employees  
9289 that remain off-site. No more than one nonresident employee shall be permitted to work on-  
9290 site for the home occupation or occupations;

9291           E. The following uses, by the nature of their operation or investment, tend to  
9292 increase beyond the limits permitted for home occupations. Therefore, the following shall  
9293 not be permitted as home occupations:

9294           1. Automobile, truck, and heavy equipment repair;

9295           2. Auto body work or painting;

9296           3. Parking and storage of heavy equipment;

9297           4. Storage of building materials for use on other properties;

9298           5. Hotels, motels, or organizational lodging;

9299           6. Dry cleaning;

9300           7. Towing services;

9301           8. Trucking, storage, or self service, except for parking or storage of one  
9302 commercial vehicle used in home occupation;

9303           9. Veterinary clinic;

9304 10. Recreational (~~(marijuana)~~) cannabis processor, recreational (~~(marijuana)~~)  
9305 cannabis producer or recreational (~~(marijuana)~~) cannabis retailer; and

9306 11. Winery, brewery, distillery facility I, II, and III, and remote tasting room,  
9307 except that home occupation adult beverage businesses operating under an active  
9308 Washington state Liquor and Cannabis Board production license issued for their current  
9309 location before December 31, 2019, and where King County did not object to the location  
9310 during the Washington state Liquor and Cannabis Board license application process, shall be  
9311 considered legally nonconforming and allowed to remain in their current location subject to  
9312 K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this section as of  
9313 December 31, 2019. Such nonconforming businesses shall remain subject to all other  
9314 requirements of this section and other applicable state and local regulations. The resident  
9315 operator of a nonconforming winery, brewery, or distillery home occupation shall obtain an  
9316 adult beverage business license in accordance with K.C.C. chapter 6.74;

9317 F. In addition to required parking for the dwelling unit, on-site parking is provided  
9318 as follows:

- 9319 1. One stall for each nonresident employed by the home occupations; and  
9320 2. One stall for patrons when services are rendered on-site;

9321 G. Sales are limited to:

- 9322 1. Mail order sales;  
9323 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;

9324 and

- 9325 3. Items accessory to a service provided to patrons who receive services on the  
9326 premises;

9327 H. On-site services to patrons are arranged by appointment;

9328 I. The home occupation or occupations use or store a vehicle for pickup of materials  
9329 used by the home occupation or occupations or the distribution of products from the site,  
9330 only if:

9331 1. No more than one such a vehicle is allowed; and

9332 2. The vehicle is not stored within any required setback areas of the lot or on  
9333 adjacent streets; and

9334 3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one  
9335 ton;

9336 J. The home occupation or occupations do not:

9337 1. Use electrical or mechanical equipment that results in a change to the occupancy  
9338 type of the structure or structures used for the home occupation or occupations; or

9339 2. Cause visual or audible interference in radio or television receivers, or electronic  
9340 equipment located off-premises or fluctuations in line voltage off-premises;

9341 K. There shall be no exterior evidence of a home occupation, other than growing or  
9342 storing of plants under subsection C. of this section or a permitted sign, that would cause the  
9343 premises to differ from its residential character. Exterior evidence includes, but is not  
9344 limited to, lighting((;)) and the generation or emission of noise, fumes, or vibrations as  
9345 determined by using normal senses from any lot line or on average increase vehicular traffic  
9346 by more than four additional vehicles at any given time;

9347 L. Customer visits and deliveries shall be limited to ~~((the hours of))~~ 8:00 a.m. to  
9348 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends; and

9349 M. Uses not allowed as home occupations may be allowed as a home industry under  
9350 K.C.C. 21A.30.090.

9351 SECTION 165. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085  
9352 are hereby amended to read as follows:

9353 In the A, F<sub>2</sub> and RA zones, residents of a dwelling unit may conduct one or more  
9354 home occupations as accessory activities, under the following ((provisions)):

9355 A. The total floor area of the dwelling unit devoted to all home occupations shall  
9356 not exceed twenty percent of the dwelling unit((-));

9357 B. Areas within garages and storage buildings shall not be considered part of the  
9358 dwelling unit and may be used for activities associated with the home occupation;

9359 C. Total outdoor area of all home occupations shall be permitted as follows:

9360 1. For any lot less than one acre: Four hundred forty square feet; and

9361 2. For lots one acre or greater: One percent of the area of the lot, up to a  
9362 maximum of five thousand square feet((-));

9363 D. Outdoor storage areas and parking areas related to home occupations shall be:

9364 1. No less than twenty-five feet from any property line; and

9365 2. Screened along the portions of such areas that can be seen from an adjacent  
9366 parcel or roadway by the:

9367 a. planting of Type II landscape buffering; or

9368 b. use of existing vegetation that meets or can be augmented with additional  
9369 plantings to meet the intent of Type II landscaping;

9370 E. A home occupation or occupations is not limited in the number of employees  
9371 that remain off-site. Regardless of the number of home occupations, the number of



9372 nonresident employees is limited to no more than three who work on-site at the same  
9373 time (~~and no more than three who report to the site but primarily provide services off-~~  
9374 ~~site~~));

9375 F. In addition to required parking for the dwelling unit, on-site parking is  
9376 provided as follows:

- 9377 1. One stall for each nonresident employed on-site; and
- 9378 2. One stall for patrons when services are rendered on-site;

9379 G. Sales are limited to:

- 9380 1. Mail order sales;
- 9381 2. Telephone, Internet, or other electronic commerce sales with off-site delivery;
- 9382 3. Items accessory to a service provided to patrons who receive services on the  
9383 premises;
- 9384 4. Items grown, produced, or fabricated on-site; and
- 9385 5. On sites five acres or larger, items that support agriculture, equestrian, or  
9386 forestry uses except for the following:

9387 a. motor vehicles and parts (~~(((North American Industrial Classification System~~  
9388 ~~("NAICS" Code 441))~~ SIC Industry Groups 551, 552, and 553);

9389 b. electronics and appliances (~~(((NAICS Code 443))~~ SIC Industries 5731 and  
9390 5722); and

9391 c. building material and garden equipment((s)) and supplies (~~(((NAICS Code~~  
9392 ~~444))~~ SIC Major Group 52);

9393 H. The home occupation or occupations do not:

9394           1. Use electrical or mechanical equipment that results in a change to the  
9395 occupancy type of the structure or structures used for the home occupation or  
9396 occupations;

9397           2. Cause visual or audible interference in radio or television receivers, or  
9398 electronic equipment located off-premises or fluctuations in line voltage off-premises; or

9399           3. Increase average vehicular traffic by more than four additional vehicles at any  
9400 given time;

9401           I. Customer visits and deliveries shall be limited to ~~((the hours of))~~ 8:00 a.m. to  
9402 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

9403           J. The following uses, by the nature of their operation or investment, tend to  
9404 increase beyond the limits permitted for home occupations. Therefore, the following  
9405 shall not be permitted as home occupations:

9406           1. Hotels, motels, or organizational lodging;

9407           2. Dry cleaning;

9408           3. Automotive towing services, automotive wrecking services, and tow-in  
9409 parking lots;

9410           4. Recreational ~~((marijuana))~~ cannabis processor, recreational ~~((marijuana))~~  
9411 cannabis producer, or recreational ~~((marijuana))~~ cannabis retailer; and

9412           5. Winery, brewery, distillery facility I, II, and III, and remote tasting rooms,  
9413 except that home occupation adult beverage businesses operating under an active  
9414 Washington state Liquor and Cannabis Board production license issued for their current  
9415 location before December 31, 2019, and where King County did not object to the location  
9416 during the Washington state Liquor and Cannabis Board license application process, shall

9417 be considered legally nonconforming and allowed to remain in their current location  
9418 subject to K.C.C. 21A.32.020 through 21A.32.075 if the use is in compliance with this  
9419 section as of December 31, 2019. Such nonconforming businesses shall remain subject  
9420 to all other requirements of this section and all applicable state and local regulations. The  
9421 resident operator of a nonconforming home occupation winery, brewery, or distillery  
9422 shall obtain an adult beverage business license in accordance with K.C.C. chapter 6.74;

9423 K. Uses not allowed as home occupation may be allowed as a home industry  
9424 under K.C.C. chapter 21A.30; and

9425 L. The home occupation or occupations may use or store vehicles, as follows:

9426 1. The total number of vehicles for all home occupations shall be:

9427 a. for any lot five acres or less: two;

9428 b. for lots greater than five acres: three; and

9429 c. for lots greater than ten acres: four;

9430 2. The vehicles are not stored within any required setback areas of the lot or on  
9431 adjacent streets; and

9432 3. The parking area for the vehicles shall not be considered part of the outdoor  
9433 storage area provided for in subsection C. of this section.

9434 SECTION 166. Ordinance 10870, Section 537, as amended, and K.C.C.

9435 21A.30.090 are hereby amended to read as follows:

9436 A resident may establish a home industry as an accessory activity, as follows:

9437 A. The site area is one acre or greater;

9438 B. The area of the dwelling unit used for the home industry does not exceed fifty  
9439 percent of the floor area of the dwelling unit((-));

9440 C. Areas within attached garages and storage buildings shall not be considered  
9441 part of the dwelling unit for purposes of calculating allowable home industry area but  
9442 may be used for storage of goods associated with the home industry;

9443 D. No more than six nonresidents who work on-site at the time;

9444 E. In addition to required parking for the dwelling unit, on-site parking is  
9445 provided as follows:

9446 1. One stall for each nonresident employee of the home industry; and

9447 2. One stall for customer parking;

9448 F. Additional customer parking shall be calculated for areas devoted to the home  
9449 industry at the rate of one stall per:

9450 1. One thousand square feet of building floor area; and

9451 2. Two thousand square feet of outdoor work or storage area;

9452 G. Sales are limited to items produced on-site, except for items collected, traded,  
9453 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

9454 H. Ten feet of Type I landscaping are provided around portions of parking and  
9455 outside storage areas that are otherwise visible from adjacent properties or public (~~rights-~~  
9456 ~~of way~~) rights of way;

9457 I. The department ensures compatibility of the home industry by:

9458 1. Limiting the type and size of equipment used by the home industry to those  
9459 that are compatible with the surrounding neighborhood;

9460 2. Providing for setbacks or screening as needed to protect adjacent residential  
9461 properties;

9462 3. Specifying hours of operation;

9463 4. Determining acceptable levels of outdoor lighting; and  
9464 5. Requiring sound level tests for activities determined to produce sound levels  
9465 that may be in excess of those in K.C.C. chapter 12.88;

9466 J. Recreational (~~((marijuana))~~) cannabis processors, recreational (~~((marijuana))~~)  
9467 cannabis producers and recreational (~~((marijuana))~~) cannabis retailers shall not be allowed  
9468 as home industry; and

9469 K. Winery, brewery, distillery facility I, II, and III, and remote tasting room shall  
9470 not be allowed as home industry, except that home industry adult beverage businesses  
9471 that have, in accordance with K.C.C. 20.20.070, a vested conditional use permit  
9472 application before December 31, 2019, shall be considered legally nonconforming and  
9473 allowed to remain in their current location subject to K.C.C. 21A.32.020 through  
9474 21A.32.075. Such nonconforming businesses remain subject to all other requirements of  
9475 this section and all applicable state and local regulations. The resident operator of a  
9476 nonconforming winery, brewery, or distillery home industry shall obtain an adult  
9477 beverage business license in accordance with K.C.C. chapter 6.74.

9478 SECTION 167. Ordinance 10870, Section 547, as amended, and K.C.C.  
9479 21A.32.100 are hereby amended to read as follows:

9480 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be required  
9481 for any of the following:

9482 A. A use not otherwise permitted in the zone that can be made compatible for a  
9483 period of up to (~~((sixty))~~) twenty-four days a year, subject to K.C.C. 21A.32.120;

9484 B. The expansion of an established use that:

9485 1. Is otherwise allowed in the zone;

9486 2. Is not inconsistent with the original land use approval;  
9487 3. Exceeds the scope of the original land use approval; and  
9488 4. Can be made compatible with the zone for a period of up to ~~((sixty))~~ twenty-four  
9489 days a year, subject to K.C.C. 21A.32.120; or

9490 C. Events at a winery, brewery, distillery facility or remote tasting room that include  
9491 one or more of the following activities:

- 9492 1. Exceeds the permitted building occupancy;
- 9493 2. Utilizes portable toilets;
- 9494 3. Utilizes parking that exceeds the maximum number of spaces allowed by this  
9495 title on-site or utilizes off-site parking;
- 9496 4. Utilizes temporary stages;
- 9497 5. Utilizes temporary tents or canopies that require a permit;
- 9498 6. Requires traffic control for public ~~((rights-of-way))~~ rights of way; or
- 9499 7. Extends beyond allowed hours of operation.

9500 SECTION 168. Ordinance 10870, Section 548, as amended, and K.C.C.  
9501 21A.32.110 are hereby amended to read as follows:

9502 A. The following uses shall be exempt from requirements for a temporary use  
9503 permit when located in the RB, CB, NB, O<sub>2</sub> or I zones for the time period specified below:

- 9504 1. Uses not to exceed a total of thirty days each calendar year:
  - 9505 a. Christmas tree lots; and
  - 9506 b. Produce stands.
- 9507 2. Uses not to exceed a total of fourteen days each calendar year:
  - 9508 a. Amusement rides, carnivals, or circuses;

9509           b. Community festivals; and

9510           c. Parking lot sales.

9511           B. Any use not exceeding a cumulative total of two days each calendar year and

9512 five hundred attendees and employees per day shall be exempt from requirements for a

9513 temporary use permit.

9514           C. Any community event held in a park and not exceeding a period of seven days

9515 shall be exempt from requirements for a temporary use permit.

9516           D. Christmas tree sales not exceeding a total of thirty days each calendar year when

9517 located on Rural Area (RA) zoned property with legally established non-residential uses

9518 shall be exempt from requirements for a temporary use permit.

9519           E.1. Events at a winery, brewery, distillery facility II or III shall not require a

9520 temporary use permit if:

9521           a. The business is operating under an active Washington state Liquor and

9522 Cannabis Board production license issued for their current location before December 31,

9523 2019, and where King County did not object to the location during the Washington state

9524 Liquor and Cannabis Board license application process;

9525           b. The parcel is at least eight acres in size;

9526           c. The structures used for the event maintain a setback of at least one hundred

9527 fifty feet from interior property lines;

9528           d. The parcel is located in the RA zone;

9529           e. The parcel has access directly from and to a principal arterial or state highway;

9530           f. The event does not use amplified sound outdoors before 12:00 p.m. or after

9531 8:00 p.m.

9532 2. Events that meet the provisions in this subsection E. shall not be subject to ~~((the~~  
9533 ~~provisions of))~~ K.C.C. 21A.32.120, as long as the events occur no more frequently than an  
9534 annual average of eight days per month.

9535 SECTION 169. Ordinance 10870, Section 549, as amended, and K.C.C.  
9536 21A.32.120 are hereby amended to read as follows:

9537 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45, temporary  
9538 use permits shall be limited in duration and frequency as follows:

9539 A. The temporary use permit shall be effective for one year from the date of  
9540 issuance and may be renewed annually as provided in subsection D. of this section;

9541 B.1. The temporary use shall not:

9542 a. ~~((e))~~Exceed a total of ~~((sixty))~~ twenty-four days in any ~~((three hundred sixty-~~  
9543 ~~five-day))~~ three hundred sixty-five-day period((-), four days in any month, and three days in  
9544 any week. If the total duration of the temporary use is no more than ten days in a three  
9545 hundred sixty-five-day period, those ten days may be consecutive in any month or any week  
9546 or both. This subsection B.1.a. applies only to the days that the event or events actually take  
9547 place((-)); and

9548 b. Occur in more than six consecutive or non-consecutive months out of the year.

9549 2. For a winery, brewery, distillery facility II and III in the A zone, the temporary  
9550 use shall not exceed a total of two events per month and all event parking must be  
9551 accommodated on-site or managed through a parking management plan approved by the  
9552 director. This subsection B.2. applies only to the days that the event or events actually take  
9553 place.



9554           3. For a winery, brewery, distillery facility II and III in the RA zone, the temporary  
9555 use shall not exceed a total of twenty-four days in any three-hundred-sixty-five-day period  
9556 and all event parking must be accommodated on-site or managed through a parking  
9557 management plan approved by the director. This subsection B.3. applies only to the days  
9558 that the event or events actually take place.

9559           4. For a winery, brewery, distillery facility II in the A or RA zones, in addition to  
9560 all other relevant facts, the department shall consider building occupancy and parking  
9561 limitations during permit review, and shall condition the number of guests allowed for a  
9562 temporary use based on those limitations. The department shall not authorize attendance of  
9563 more than one hundred fifty guests.

9564           5. For a winery, brewery, distillery facility III in the A or RA zones, in addition to  
9565 all other relevant facts, the department shall consider building occupancy and parking  
9566 limitations during permit review, and shall condition the number of guests allowed for a  
9567 temporary use based on those limitations. The department shall not authorize attendance of  
9568 more than two hundred fifty guests.

9569           6. Events for any winery, brewery, distillery facility I in the RA zone, any  
9570 nonconforming winery, brewery, distillery facility home occupation, or any nonconforming  
9571 winery, brewery, distillery facility home industry shall be limited to two per year, and  
9572 limited to a maximum of fifty guests. If the event complies with this subsection B.6., a  
9573 temporary use permit is not required for a special event for a winery, brewery, distillery  
9574 facility I in the RA zone, a nonconforming home occupation winery, brewery, distillery  
9575 facility or a nonconforming home industry winery, brewery, distillery facility.

9576 7. For a winery, brewery, distillery facility II and III in the RA zone, events  
9577 exempted under K.C.C 21A.32.110.E. from the requirement to obtain a temporary use  
9578 permit shall not be subject to ~~((the provisions of))~~ this section;

9579 C. The temporary use permit shall specify a date upon which the use shall be  
9580 allowed, terminated, and removed; and

9581 D. A temporary use permit may be renewed annually for up to a total of ~~((five))~~ four  
9582 consecutive years as follows:

9583 1. The applicant shall make a written request and pay the applicable permit  
9584 extension fees for renewal of the temporary use permit at least seventy days before the end  
9585 of the permit period;

9586 2. The department must determine that the temporary use is being conducted in  
9587 compliance with the conditions of the temporary use permit;

9588 3. The department must determine that site conditions have not changed since the  
9589 original temporary permit was issued; ~~((and))~~

9590 4. The temporary use must demonstrate compliance with current development  
9591 regulations; and

9592 5. At least forty-five days before the end of the permit period, the department shall  
9593 notify property owners within five hundred feet of the property boundaries that a temporary  
9594 use permit extension has been requested and contact information to request additional  
9595 information or to provide comments on the proposed extension.

9596 NEW SECTION. SECTION 170. There is hereby added to K.C.C. chapter 21A.32  
9597 a new section to read as follows:

9598           A. The size of a temporary use shall be scaled based upon building occupancies, site  
9599 area, access, and environmental considerations and be limited to no more than two hundred  
9600 fifty guests.

9601           B. Areas used for temporary uses shall comply with building setback requirements  
9602 for the zone in which they are located.

9603           C. Temporary use shall adequately provide the following, as approved by the  
9604 county and commensurate with the size and scale of the temporary use, including for  
9605 customers, guests, and workers associated with the temporary use:

9606           1. Temporary sanitary facilities;

9607           2. Potable water;

9608           3. Safe vehicle parking, access, and traffic control, as specified by the sheriff's  
9609 office or department of local services, roads division, or both;

9610           4. Accessibility for persons with disabilities; and

9611           5. Noise compliance consistent with K.C.C. chapter 12.86.

9612           SECTION 171. Ordinance 10870, Section 555, as amended, and K.C.C.

9613 21A.32.180 are hereby amended to read as follows:

9614           One temporary real estate office may be located on any new residential  
9615 development, provided that activities are limited to the initial sale or rental of property or  
9616 units within the development. The office use shall be discontinued within one year of  
9617 recording of a short subdivision or issuance of a final certificate of occupancy for a((#))  
9618 duplex, triplex, fourplex, apartment, or townhouse development, and within two years of the  
9619 recording of a formal subdivision.

9620            SECTION 172. Ordinance 10870, Section 559, and K.C.C. 21A.32.220 are hereby  
9621 amended to read as follows:

9622            In order to (~~(insure)~~) ensure that significant features of the property are protected  
9623 (~~(pursuant to)~~) under K.C.C. chapter 20.62, the following standards shall apply to  
9624 conversion of historic buildings:

9625            A. Gross floor area of building additions or new buildings required for the  
9626 conversion shall not exceed (~~(20)~~) twenty percent of the gross floor area of the historic  
9627 building, unless allowed by the zone;

9628            B. Conversions to duplexes, triplexes, fourplexes, apartments, or townhouses shall  
9629 not exceed one dwelling unit for each (~~(3,600)~~) three thousand six hundred square feet of lot  
9630 area, unless allowed by the zone; and

9631            C. Any construction required for the conversion shall require certification of  
9632 appropriateness from the King County Landmark Commission.

9633            SECTION 173. Ordinance 17710, Section 14, as amended, and K.C.C. 21A.32.250  
9634 are hereby amended to read as follows:

9635            For those recreational (~~(marijuana)~~) cannabis production and processing facilities  
9636 requiring a conditional use permit under this title, as part of the permit review process,  
9637 the department may require the applicant to submit an odor management plan for any  
9638 areas of indoor processing or ventilation of any structure used to produce or process  
9639 (~~(marijuana)~~) cannabis. The purpose of such a plan is to minimize odors and fumes from  
9640 chemicals or products used in or resulting from either production or processing, or both,  
9641 of (~~(marijuana)~~) cannabis.

9642            SECTION 174. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010  
9643 are hereby amended to read as follows:

9644            A. The purpose of the transfer of development rights program is to transfer  
9645 residential density from eligible sending sites to eligible receiving sites through a voluntary  
9646 process that permanently preserves urban, rural, and resource lands that provide a public  
9647 benefit. The TDR provisions are intended to supplement land use regulations, resource  
9648 protection efforts, and open space acquisition programs and to encourage increased  
9649 residential development density or increased commercial square footage, especially inside  
9650 cities, where it can best be accommodated with the least impacts on the natural environment  
9651 and public services by:

9652            1. Providing an effective and predictable incentive process for property owners of  
9653 rural, resource (~~and~~), urban separator, and other eligible urban land to preserve lands with  
9654 a public benefit as described in K.C.C. 21A.37.020; and

9655            2. Providing an efficient and streamlined administrative review system to ensure  
9656 that transfers of development rights to receiving sites are evaluated in a timely way and  
9657 balanced with other county goals and policies, and are adjusted to the specific conditions of  
9658 each receiving site.

9659            B. The TDR provisions in this chapter shall only apply to TDR receiving site  
9660 development proposals:

9661            1. Submitted on or after September 17, 2001, and applications for approval of  
9662 TDR sending sites submitted on or after September 17, 2001; and

9663            2. For properties within the Skyway-West Hill or North Highline community  
9664 service area subarea geographies, only as provided in K.C.C. chapter 21A.48.

9665            C. For the purposes of this chapter, the term "conservation easement" includes other  
9666 similar encumbrances, where appropriate.

9667            SECTION 175. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030  
9668 are hereby amended to read as follows:

9669            A. Receiving sites shall be:

9670            1. King County unincorporated urban sites, except as limited in subsection D. of  
9671 this section or as provided elsewhere in this Title, zoned R-4 through R-48, NB, CB, RB<sub>2</sub> or  
9672 O, or any combination thereof. The sites may also be within potential annexation areas  
9673 established under the countywide planning policies; or

9674            2. Cities where new growth is or will be encouraged under the Growth  
9675 Management Act and the countywide planning policies and where facilities and services  
9676 exist or where public investments in facilities and services will be made, or

9677            3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that  
9678 meet the criteria listed in this subsection A.3. may receive development rights transferred  
9679 from rural forest focus areas, and accordingly may be subdivided and developed at a  
9680 maximum density of one dwelling per two and one-half acres. Increased density allowed  
9681 through the designation of rural receiving areas:

- 9682            a. must be eligible to be served by domestic Group A public water service;
- 9683            b. must be located within one-quarter mile of an existing predominant pattern of  
9684 rural lots smaller than five acres in size;
- 9685            c. must not adversely impact regionally or locally significant resource areas or  
9686 critical areas;

9687 d. must not require public services and facilities to be extended to create or  
9688 encourage a new pattern of smaller lots;

9689 e. must not be located within rural forest focus areas; and

9690 f. must not be located on Vashon Island or Maury Island.

9691 B. Except as provided in this chapter, development of an unincorporated King  
9692 County receiving site shall remain subject to all zoning code provisions for the base zone,  
9693 except TDR receiving site developments shall comply with dimensional standards of the  
9694 zone with a base density most closely comparable to the total approved density of the TDR  
9695 receiving site development.

9696 C. Except as otherwise provided in this title, ((A))an unincorporated King County  
9697 receiving site may accept development rights from one or more sending sites, as follows:

9698 1. ~~((For short subdivisions, u))~~Up to the maximum density permitted under K.C.C.  
9699 21A.12.030 and 21A.12.040; and

9700 2. For formal subdivisions, only ~~((as authorized in a subarea study that includes a~~  
9701 ~~comprehensive analysis of the impacts of receiving development rights))~~ if the hearing  
9702 examiner finds that the additional density from use of TDRs at the proposed subdivision  
9703 does not create unmitigated impacts beyond those created by development at base density.

9704 D. Property located within the outer boundaries of the Noise Remedy Areas as  
9705 identified by the Seattle-Tacoma International Airport may not accept development rights.

9706 E. Property located within the shoreline jurisdiction or located on Vashon Island or  
9707 Maury Island may not accept development rights.

9708 SECTION 176. Ordinance 13274, Section 6, as amended, and K.C.C.  
9709 21A.37.040 are hereby amended to read as follows:

9710           A. The number of residential development rights that an unincorporated sending  
9711 site is eligible to send to a receiving site shall be determined by applying the TDR  
9712 sending site base density established in subsection D. of this section to the area of the  
9713 sending site, after deducting the area associated with any existing development allowed  
9714 to remain under the terms of the conservation easement conserving the site, any retained  
9715 development rights and any portion of the sending site already in a conservation  
9716 easement (~~(or other similar encumbrance)~~). For each existing dwelling unit or retained  
9717 development right, the sending site area shall be reduced by an area equivalent to the base  
9718 density for that zone under K.C.C. 21A.12.030.

9719           B. Any fractions of development rights that result from the calculations in  
9720 subsection A. of this section shall (~~(not be included in the final determination of total~~  
9721 ~~development rights available for transfer)~~) be rounded up to the next largest whole  
9722 number if the calculation results in a fraction of 0.5 or greater or shall be rounded down  
9723 to the next smallest whole number if the calculation results in a fraction less than 0.5.

9724           C. For purposes of calculating the amount of development rights a sending site  
9725 can transfer, the amount of land contained within a sending site shall be determined as  
9726 follows:

9727           1. If the sending site is an entire tax lot, the square footage or acreage shall be  
9728 determined by:

9729           a. (~~by~~) the King County department of assessments records; (~~or~~)

9730           b. (~~by~~) geographic information system mapping confirmed by King County;

9731 or



9732           c. a survey funded by the applicant that has been prepared and stamped by a  
9733 surveyor licensed in the state of Washington; and

9734           2. If the sending site consists of a lot that is divided by a zoning boundary, the  
9735 square footage or acreage shall be calculated separately for each zoning classification.  
9736 The square footage or acreage within each zoning classification shall be determined by  
9737 the King County record of the action that established the zoning and property lines, such  
9738 as an approved lot line adjustment. When such records are not available or are not  
9739 adequate to determine the square footage or acreage within each zoning classification,  
9740 TDR program staff shall calculate, and the department of local services, permitting  
9741 division, shall ~~((calculate))~~ confirm, the square footage or acreage through the geographic  
9742 information system ~~((GIS))~~ mapping system.

9743           D. For the purposes of the ~~((transfer of development rights-))~~TDR~~((+))~~ program  
9744 only, the following TDR sending site base densities apply:

9745           1. Sending sites designated in the King County Comprehensive Plan as urban  
9746 separator ~~((and))~~ or zoned R-1 shall have a base density of four dwelling units per acre;

9747           2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two  
9748 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25  
9749 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25  
9750 acres;

9751           3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling  
9752 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and  
9753 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated

9754 one additional TDR for each vacant lot that is smaller than two and one-half acres or five  
9755 acres, respectively;

9756 4. Sending sites zoned RA and that have a designation under the King County  
9757 Shoreline Master Program of conservancy or natural shall be allocated one additional  
9758 TDR per legal lot;

9759 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling  
9760 unit per five acres for transfer purposes only;

9761 6. Sending sites zoned F within the forest production district shall have a base  
9762 density of one dwelling unit per eighty-acres or one dwelling unit per each lot that is  
9763 between fifteen and eighty acres in size. A TDR sending site zoned F that is awarded  
9764 certified TDRs under K.C.C. 21A.37.070 may be qualified for one additional TDR for  
9765 each legal lot that is eligible to create a verified carbon credits under K.C.C. chapter  
9766 18.35. Certification of any additional TDRs qualified under this subsection D.6. of this  
9767 section is contingent upon applicant enrolling in a verified carbon program under K.C.C.  
9768 chapter 18.35, which must occur within five years of initial sending site certification,  
9769 subject to interagency committee review and approval; ((or.))

9770 7. Vacant marine shoreline sending sites without any armoring or bulkheads  
9771 shall be allocated one additional TDR per legal lot; and

9772 8. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.  
9773 21A.37.020.A.2.g. shall be allocated TDRs that are equivalent to the zoning base density  
9774 established in K.C.C. 21A.12.030 for every one acre of gross land area.

9775 E. A sending site zoned RA, A<sub>2</sub> or F may send one development right for every  
9776 legal lot larger than five thousand square feet that was created on or before September 17,

9777 2001, with no retained development rights, if that number is greater than the number of  
9778 development rights determined under subsection A. of this section. A sending site zoned  
9779 R-1 may send one development right for every legal lot larger than two thousand five  
9780 hundred square feet that was created on or before September 17, 2001, with no retained  
9781 development rights, if that number is greater than the number of development rights  
9782 determined under subsection A. of this section.

9783 F. The number of development rights that a King County unincorporated rural or  
9784 natural resources land sending site is eligible to send to a King County incorporated  
9785 urban area receiving site shall be determined through the application of a conversion ratio  
9786 established by King County and the incorporated municipal jurisdiction. The conversion  
9787 ratio will be applied to the number of available sending site development rights  
9788 determined under subsection A. or E. of this section.

9789 G. Development rights from one sending site may be allocated to more than one  
9790 receiving site and one receiving site may accept development rights from more than one  
9791 sending site.

9792 H. The determination of the number of residential development rights a sending  
9793 site has available for transfer to a receiving site shall be valid for transfer purposes only,  
9794 shall be documented in a TDR qualification report prepared by the department of natural  
9795 resources and parks and sent to the applicant. The qualification report (~~and~~) shall be  
9796 considered a final determination, not to be revised due to changes to the sending site's  
9797 zoning, and shall be valid unless conditions on the sending site property that would affect  
9798 the number of development rights the sending site has available for transfer have  
9799 changed.

9800 I. Each residential (~~((transferable development right))~~) TDR that originates from a  
9801 sending site zoned RA, A<sub>2</sub> or F shall be designated "Rural" and is equivalent to two  
9802 additional units above base density in eligible receiving sites located in unincorporated  
9803 urban King County. Each residential (~~((transferable development right))~~) TDR that  
9804 originates from a sending site zoned R-1 urban separator shall be designated "Urban" and  
9805 is equivalent to one additional unit above base density. Each residential transferable  
9806 development right that originates from a sending site in urban unincorporated area lands  
9807 meeting the criteria in K.C.C. 21A.37.020.A.2.g. shall be designated "Urban" and is  
9808 equivalent to one additional unit above the base density.

9809 SECTION 177. Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050  
9810 are hereby amended to read as follows:

9811 A. Following the transfer of residential development rights, a sending site may  
9812 subsequently accommodate remaining residential dwelling units, if any, on the buildable  
9813 portion of the parcel or parcels or be subdivided, consistent with the zoned base density  
9814 (~~((provisions of the density and dimensions tables))~~) in K.C.C. 21A.12.030 and 21A.12.040,  
9815 the allowable dwelling unit calculations in K.C.C. 21A.12.070, and other King County  
9816 development regulations. Any remaining residential dwelling units and associated  
9817 accessory units shall be located in a single and contiguous reserved residential area that shall  
9818 be adjacent to any existing development or roadways on the property. The reserved  
9819 residential area shall (~~((be equal to))~~) not exceed the acreage associated with the minimum lot  
9820 size of the zone for each remaining residential dwelling unit. For sending sites zoned RA,  
9821 the subdivision potential remaining after a density transfer may only be actualized through a  
9822 clustered subdivision, short subdivision or binding site plan that creates a permanent

9823 preservation tract as large or larger than the portion of the subdivision set aside as lots.  
9824 Within rural forest focus areas, resource use tracts shall be at least fifteen acres of  
9825 contiguous forest land.

9826 B. Only those nonresidential uses directly related to, and supportive of the criteria  
9827 under which the site qualified are allowed on a sending site.

9828 C. The applicable limitations in this section shall be included in the sending site  
9829 conservation easement.

9830 SECTION 178. Ordinance 14190, Section 8, as amended, and K.C.C.

9831 21A.37.060 are hereby amended to read as follows:

9832 A. ~~((Prior to))~~ Before issuing a certificate for transferable development rights  
9833 ~~((to))~~ for a sending site, the department of natural resources and parks, or its successor  
9834 shall record deed restrictions in the form of a conservation easement documenting the  
9835 development rights that have been removed from the property ~~((and shall place a notice~~  
9836 ~~on the title of the sending site))~~. The department of local services, permitting division, or  
9837 its successor, shall establish and maintain an internal tracking system that identifies all  
9838 certified transfer of developments rights sending sites.

9839 B. A conservation easement granted to the county or other appropriate land  
9840 management agency and that meets the requirements of K.C.C. 21A.37.050 shall be  
9841 required for land contained in the sending site. The conservation easement shall be  
9842 documented by a map. The conservation easement shall be placed on the entire lot or  
9843 lots. The conservation easement shall identify limitations in perpetuity on future  
9844 residential and nonresidential development consistent with this chapter, as follows:

9845           1. A conservation easement(~~(, which)~~) that contains the easement map, shall be  
9846 recorded on the entire sending site to indicate development limitations on the sending  
9847 site;

9848           2. For a sending site zoned A-10 or A-35, the conservation easement shall be  
9849 consistent in form and substance with the purchase agreements used in the agricultural  
9850 land development rights purchase program. The conservation easement shall preclude  
9851 subdivision of the subject property but may permit not more than one dwelling per  
9852 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

9853           3. For a rural sending site, the conservation easement shall allow for restoration,  
9854 maintenance, or enhancement of native vegetation. A present conditions report shall be  
9855 required to document the location of existing structures and existing native vegetation  
9856 and the baseline conservation values of protected property at the time the conservation  
9857 easement is put in place. If residential development will be allowed on the site under the  
9858 conservation easement, the present conditions report shall be used to guide the location of  
9859 residential development;

9860           4. For a sending site qualifying as habitat for federal listed endangered or  
9861 threatened species, the conservation easement shall protect habitat and allow for  
9862 restoration, maintenance, or enhancement of native vegetation. A present conditions  
9863 report shall be required to document the location of existing structures. If existing or  
9864 future residential development will be allowed on the site under the conservation  
9865 easement, the present conditions report shall be used by the owner to guide the location  
9866 of residential development; and

9867           5. For a sending site zoned F, the conservation easement shall encumber the  
9868 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to  
9869 participate in the TDR program if they include any existing dwelling units intended to be  
9870 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and  
9871 eighty acres in size, the sending site must include the entire lot. For lots greater than  
9872 eighty acres in size, the sending site shall be a minimum of eighty acres. The  
9873 conservation easement shall permit forestry uses subject to a forest stewardship plan  
9874 prepared by the applicant and approved by the county for ongoing forest management  
9875 practices. The Forest Stewardship Plan shall serve as a present conditions report  
9876 documenting the baseline conditions of the property and shall include a description of the  
9877 site's forest resources and the long term forest management objectives of the property  
9878 owner(~~(, and shall not impose standards that exceed Title 222 WAC)~~).

9879           SECTION 179. Ordinance 13274, Section 7, as amended, and K.C.C.  
9880 21A.37.070 are hereby amended to read as follows:

9881           A. An interagency review committee, chaired by the department of local services  
9882 permitting division manager and the director of the department of natural resources and  
9883 parks, or designees, shall be responsible for qualification of sending sites.  
9884 Determinations on sending site certifications made by the committee are appealable to the  
9885 examiner under K.C.C. 20.22.040. The department of natural resources and parks shall  
9886 be responsible for preparing a TDR qualification report, which shall be signed by the  
9887 director of the department of natural resources and parks or designee, documenting the  
9888 review and decision of the committee. The qualification report shall:

9889           1. Specify all deficiencies of an application, if the decision of the committee is  
9890 to disqualify the application;

9891           2. For all qualifying applications, provide a determination as to whether ((~~or~~  
9892 ~~not~~)) additional residential dwelling units and associated accessory units may be  
9893 accommodated in accordance with K.C.C. 21A.37.050.A.; and

9894           3. Be issued a TDR certification letter within sixty days of the date of submittal  
9895 of a completed sending site certification application.

9896           B. Responsibility for preparing a completed application rests exclusively with the  
9897 applicant. Application for sending site certification shall include:

9898           1. A legal description of the site;

9899           2. A title report;

9900           3. A brief description of the site resources and public benefit to be preserved;

9901           4. A site plan showing the existing and proposed dwelling units, nonresidential  
9902 structures, driveways, submerged lands, and any area already subject to a conservation  
9903 easement ((~~or other similar encumbrance~~));

9904           5. Assessors map or maps of the lot or lots;

9905           6. A statement of intent indicating whether the property ownership, after TDR  
9906 certification, will be retained in private ownership or dedicated to King County or another  
9907 public or private nonprofit agency;

9908           7. Any or all of the following written in conformance with criteria established  
9909 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as  
9910 habitat for a threatened or endangered species:

9911           a. a wildlife habitat conservation plan;



- 9912           b. a wildlife habitat restoration plan; or
- 9913           c. a wildlife present conditions report;
- 9914           8. If the site qualifies as an urban unincorporated area sending site meeting the
- 9915 criteria in K.C.C. 21A.37.020.A.2.g.;
- 9916           9. A forest stewardship plan, written in conformance with criteria established
- 9917 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
- 9918 21A.37.060.B.3. and 6.;
- 9919           10. An affidavit of compliance with the reforestation requirements of the Forest
- 9920 Practices Act and any additional reforestation conditions of the forest practices permit for
- 9921 the site, if required under K.C.C. 21A.37.020.D.;
- 9922           11. A completed density calculation worksheet for estimating the number of
- 9923 available development rights; and
- 9924           12. The application fee consistent with K.C.C. 27.10.170.

9925           SECTION 180. Ordinance 13274, Section 8, as amended, and K.C.C.

9926 21A.37.080 are hereby amended to read as follows:

9927           A. (~~(TDR development rights w))~~Where both the proposed sending and receiving

9928 sites would be within unincorporated King County, development rights shall be

9929 transferred using the following process:

- 9930           1. Following interagency review committee review and approval of the sending
- 9931 site application as described in K.C.C. 21A.37.070 the interagency review committee
- 9932 shall issue a TDR qualification report, agreeing to issue a TDR certificate in exchange for
- 9933 the proposed sending site conservation easement. After signing and notarizing the
- 9934 conservation easement and receiving the TDR certificate from the county, the sending

9935 site owner may market the TDRs ~~((sending site development rights))~~ to potential  
9936 purchasers. The TDR certificate shall be in the name of the property owner and separate  
9937 from the land title. If a TDR sending site that has been reviewed and approved by the  
9938 interagency review committee changes ownership, the TDR qualification report may be  
9939 transferred to the new owner if requested in writing to the department of natural resources  
9940 and parks by the person or persons that owned the property when the TDR qualification  
9941 report was issued, if documents evidencing the transfer of ownership are also provided to  
9942 the department of natural resources and parks;

9943 2. In applying for receiving site approval, the applicant shall provide the  
9944 department of local services, permitting division, with one of the following:

9945 a. a TDR qualification report issued in the name of the applicant~~((s));~~;

9946 b. a TDR qualification report issued in the name of another person or persons  
9947 and a copy of a signed option to purchase those TDRs ~~((sending site development  
9948 rights,));~~;

9949 c. a TDR certificate issued in the name of the applicant~~((s));~~ or

9950 d. a TDR certificate issued in the name of another person or persons and a  
9951 copy of a signed option to purchase those TDRs ~~((sending site development rights));~~;

9952 3. Following building permit approval, but before building permit issuance by  
9953 the department of local services, permitting division, or following preliminary plat  
9954 approval or preliminary short plat approval, but before final plat or short plat recording of  
9955 a receiving site development proposal ~~((which))~~ that includes the use of TDRs  
9956 ~~((development rights))~~, the receiving site applicant shall deliver the TDR certificate

9957 issued in the applicant's name for the number of TDRs ~~((development rights))~~ being used  
9958 and the TDR extinguishment document to the county;

9959 4. When the receiving site development proposal requires a public hearing  
9960 under this title or K.C.C. Title 19A ~~((or its successor))~~, that public hearing shall also  
9961 serve as the hearing on the TDR proposal. The reviewing authority shall make a  
9962 consolidated decision on the proposed development and use of TDRs ~~((development~~  
9963 ~~rights))~~ and consider any appeals of the TDR proposal under the same appeal procedures  
9964 ~~((set forth))~~ for the development proposal; ~~((and))~~

9965 5. When the development proposal does not require a public hearing under this  
9966 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the  
9967 development proposal, and any appeals of the TDR proposal shall be considered under  
9968 the same appeal procedures ~~((set forth))~~ for the development proposal~~((-)); and~~

9969 6. Development rights from a sending site shall be considered transferred to a  
9970 receiving site when a final decision is made on the TDR receiving area development  
9971 proposal, the sending site is permanently protected by a completed and recorded ~~((land~~  
9972 ~~dedication or))~~ conservation easement, notification has been provided to the King County  
9973 assessor's office and a TDR extinguishment document has been provided to the  
9974 department of natural resources and parks, or its successor.

9975 B. ~~((TDR development rights w))~~Where the proposed receiving site would be  
9976 within an incorporated King County municipal jurisdiction, the development proposal  
9977 shall be reviewed and transferred using that jurisdiction's development application review  
9978 process.

9979            SECTION 181. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100  
9980 are hereby amended to read as follows:

9981            The purpose of the TDR bank is to assist in the implementation of the ~~((transfer of~~  
9982 ~~development rights (~~)TDR(~~))~~) program by bridging the time gap between willing sellers  
9983 and buyers of development rights by purchasing and selling development rights,  
9984 purchasing conservation easements, and facilitating interlocal TDR agreements with  
9985 cities in King County through the provision of amenity funds. The TDR bank may  
9986 acquire development rights and conservation easements only from sending sites ~~((located~~  
9987 ~~in the rural area or in an agricultural or forest land use designation in the King County~~  
9988 ~~Comprehensive Plan, or in the urban unincorporated area only from sites meeting the~~  
9989 ~~criteria in K.C.C. 21A.37.020.A.2.g))~~ allowed in K.C.C. 21A.37.020. Except for  
9990 development rights purchased for use in affordable housing developments in accordance  
9991 with K.C.C. 21A.37.130, ((~~∅~~))development rights purchased from the TDR bank may  
9992 only be used for receiving sites in cities, in Snoqualmie Pass Rural Town as provided in  
9993 this title, or in the urban unincorporated area as designated in the King County  
9994 Comprehensive Plan.

9995            SECTION 182. Ordinance 13733, Section 10, as amended, and K.C.C.  
9996 21A.37.110 are hereby amended to read as follows:

9997            A. The TDR bank may purchase development rights from qualified sending sites  
9998 at prices not to exceed fair market value and ~~((~~∅~~))~~ sell development rights at prices not  
9999 less than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may  
10000 accept donations of development rights from qualified TDR sending sites.

10001           B. The TDR bank may purchase a conservation easement only if the property  
10002 subject to the conservation easement is qualified as a sending site as evidenced by a TDR  
10003 qualification report, the conservation easement restricts development of the sending site  
10004 in the manner required by K.C.C. 21A.37.060 and the development rights generated by  
10005 encumbering the sending site with the conservation easement are issued to the TDR bank  
10006 at no additional cost.

10007           C. Any development rights, generated by encumbering property with a  
10008 conservation easement, may be issued to the TDR bank if:

10009           1.a. The conservation easement is acquired through a county park, open space,  
10010 trail, agricultural, forestry or other natural resource acquisition program for a property  
10011 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

10012           b. the property is acquired by the county with the intent of conveying the  
10013 property encumbered by a reserved conservation easement. The number of development  
10014 rights generated by this reserved conservation easement shall be determined by the TDR  
10015 qualification report; and

10016           2. Under either subsection C.1.a. or b. of this section, there will be no additional  
10017 cost to the county for acquiring the development rights.

10018           D. The TDR bank may use funds to facilitate development rights transfers.  
10019 These expenditures may include, but are not limited to, establishing and maintaining  
10020 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals,  
10021 and reimbursing the costs incurred by the department of natural resources and parks,  
10022 water and land resources division, or its successor, for administering the TDR bank fund  
10023 and executing development rights purchases and sales.

10024 E. The TDR bank fund may be used to cover the cost of providing staff support  
10025 for identifying and qualifying sending and receiving sites, and the costs of providing staff  
10026 support for the TDR interagency review committee.

10027 F. Upon approval of the TDR executive board, proceeds from the sale of TDR  
10028 bank development rights shall be available for acquisition of additional development  
10029 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King  
10030 County and for projects in receiving areas located in urban unincorporated King County.  
10031 Amenity funds provided to a city from the sale of TDR bank development rights to that  
10032 city are limited to one-third of the proceeds from the sale.

10033 SECTION 183. Ordinance 13733, Section 11, as amended, and K.C.C.  
10034 21A.37.120 are hereby amended to read as follows:

10035 A. The department of natural resources and parks, water and land resources  
10036 division, or its successor, shall administer the TDR bank fund and execute purchases of  
10037 development rights and conservation easements and sales of development rights in a  
10038 timely manner consistent with policy set by the TDR executive board. These  
10039 responsibilities include, but are not limited to:

- 10040 1. Managing the TDR bank fund;
- 10041 2. Authorizing and monitoring expenditures;
- 10042 3. Keeping records of the dates, amounts and locations of development rights  
10043 purchases and sales, and conservation easement purchases;
- 10044 4. Executing development rights purchases, sales, and conservation easements;
- 10045 and

10046 5. Providing periodic summary reports of TDR bank activity for TDR executive  
10047 board consideration.

10048 B. The department of natural resources and parks, water and land resources  
10049 division, or its successor, in executing purchase and sale agreements for acquisition of  
10050 development rights and conservation easements shall ensure sufficient values are being  
10051 obtained and that all transactions~~((;))~~ or conservation easements ~~((or fee simple~~  
10052 ~~acquisitions))~~ are consistent with public land acquisition guidelines.

10053 SECTION 184. Ordinance 13733, Section 12, as amended, and K.C.C.  
10054 21A.37.130 are hereby amended to read as follows:

10055 A.1. The sale of ~~((development rights))~~ TDRs by the TDR bank shall be at a price  
10056 that equals or exceeds the fair market value of the ~~((development rights))~~ TDRs, except  
10057 as provided in subsection A.2. of this section. The fair market value of the ~~((development~~  
10058 ~~rights))~~ TDRs shall be established by the department of natural resources and parks and  
10059 shall be based on the amount the county paid for the development rights and the  
10060 prevailing market conditions.

10061 2.a. The department of natural resources and parks shall undertake a "TDR for  
10062 affordable housing" pilot program, in which ~~((transferable development rights))~~ TDRs  
10063 necessary to construct up to one hundred total units shall be sold at the administrative  
10064 cost incurred by the county or fifteen percent of the fair market value of the development  
10065 rights, whichever is less.

10066 b. In order to qualify for this program, all units built using the development  
10067 rights must be either:

10068 (1) rental housing permanently priced to serve households with a total

10069 household income at or below sixty percent of ~~((AMI))~~ area median income. A covenant  
10070 on the property that specifies the income level being served, rent levels and requirements  
10071 for reporting to King County shall be recorded at final approval; or

10072 (2) housing reserved for income- and asset-qualified home buyers with total  
10073 household income at or below sixty percent of ~~((AMI))~~ area median income. The units  
10074 shall be limited to owner-occupied housing with prices restricted based on typical  
10075 underwriting ratios and other lending standards, and with no restriction placed on resale.  
10076 Final approval conditions shall specify requirements for reporting to King County on  
10077 both buyer eligibility and housing prices.

10078 c.(1) In areas where the inclusionary housing regulations adopted in K.C.C.  
10079 chapter 21A.48 apply, development rights to build units through this pilot program shall  
10080 only be sold for units in accordance with K.C.C. 21A.48.020 or K.C.C. 21.48.030.

10081 (2) For all other areas in unincorporated King County, in the R-4 through R-  
10082 48 zones, development rights to build units through this pilot program shall only be sold  
10083 for units between one hundred fifty percent and two hundred percent of the receiving  
10084 site's base density ~~((as set forth))~~ in K.C.C. 21A.12.030.

10085 d.(1) The department of natural resources and parks shall track the sale of  
10086 development rights and completion of units constructed through this program. When the  
10087 one hundred unit threshold is reached, the department shall, within six months of that  
10088 date, transmit a report to the council that includes, but is not limited to:

10089 (a) the location of the receiving sites where development rights under this  
10090 pilot program were used;

10091 (b) lessons learned from the pilot program, including feedback from



10092 developers who purchased development rights through the program; and

10093 (c) a recommendation on whether to make the pilot program permanent,  
10094 repeal the program, or modify the program.

10095 (2) the report shall be accompanied by a proposed ordinance effectuating the  
10096 recommendation in subsection A.2.d.(1)(c) of this section.

10097 (3) the report and proposed ordinance shall be electronically filed (~~in the~~  
10098 ~~form of a paper original and an electronic copy~~) with the clerk of the council, who shall  
10099 (~~retain the original and~~) provide an electronic copy to all councilmembers, the council  
10100 chief of staff, and the lead staff to the (~~mobility~~) transportation, economy and  
10101 environment committee, or its successor.

10102 B. When selling development rights, the TDR bank may select prospective  
10103 purchasers based on the price offered for the development rights, the number of  
10104 development rights offered to be purchased, and the potential for the sale to achieve the  
10105 purposes of the TDR program.

10106 C. The TDR bank may sell development rights only in whole or half increments  
10107 to unincorporated and incorporated receiving sites through an interlocal agreement or,  
10108 after the county enacts legislation that complies with chapter 365-198 WAC, to  
10109 incorporated to receiving sites in a city that has enacted legislation that complies with  
10110 chapter 365-198 WAC. (~~The TDR bank may sell development rights only in whole~~  
10111 ~~increments to unincorporated King County receiving sites.~~)

10112 D. All offers to purchase (~~development rights~~) TDRs from the TDR bank shall  
10113 be in writing, shall include a certification that the (~~development rights~~) TDRs, if used,  
10114 shall be used only inside an identified city or within the urban unincorporated area,

10115 ~~((include a minimum ten percent down payment with purchase option,))~~ shall include the  
10116 number of ~~((development rights))~~ TDRs to be purchased, location of the receiving site,  
10117 proposed purchase price, and the required date or dates for completion of the sale, not  
10118 later than three years after the date of receipt by King County of the purchase offer.

10119 E. Payment for purchase of ~~((development rights))~~ TDRs from the TDR bank  
10120 shall be in full at the time the ~~((development rights))~~ TDRs are transferred unless  
10121 otherwise authorized by the department of natural resources and parks.

10122 SECTION 185. Ordinance 13733, Section 13, as amended, and K.C.C.  
10123 21A.37.140 are hereby amended to read as follows:

10124 A. For development rights sold by the TDR bank to be used in incorporated  
10125 receiving site areas, the county and the affected city or cities must either have executed  
10126 an interlocal agreement and the city or cities must have enacted appropriate legislation to  
10127 implement the program for the receiving area or the county and the affected city or cities  
10128 must each have enacted legislation that complies with chapter 365-198 WAC.

10129 B.1. At a minimum, each interlocal agreement shall:

10130 a. ~~((shall))~~ describe the legislation that the receiving jurisdiction adopted or  
10131 will adopt to allow the use of ~~((development rights))~~ TDR;

10132 b. ~~((shall))~~ identify the receiving area;

10133 c. ~~((shall))~~ require the execution of a TDR extinguishment document in  
10134 conformance with K.C.C. 21A.37.080; and

10135 d. ~~((shall))~~ address the conversion ratio to be used in the receiving site area.

10136 2. If the city is to receive any amenity funds, the interlocal agreement shall ~~((set~~  
10137 ~~forth))~~ establish the amount of funding and the amenities to be provided in accordance

10138 with K.C.C. 21A.37.150\_I. Such an interlocal agreement may also indicate that a priority  
10139 should be given by the county to acquiring (~~(development rights)~~) TDRs from sending  
10140 sites in specified geographic areas. If a city has a particular interest in the preservation of  
10141 land in a rural or resource area or in the specific conditions on which it will be preserved,  
10142 then the interlocal agreement may provide for periodic inspection or special terms in the  
10143 conservation easement to be recorded against the sending site as a preacquisition  
10144 condition to purchases of (~~(development rights)~~) TDRs within specified areas by the TDR  
10145 bank.

10146 C. A TDR conversion ratio for development rights purchased from a sending site  
10147 and transferred to an incorporated receiving site area may express the amount of  
10148 additional development rights in terms of any combination of units, floor area, height or  
10149 other applicable development standards that may be modified by the city to provide  
10150 incentives for the purchase of (~~(development rights)~~) TDRs.

10151 NEW SECTION. SECTION 186. There is hereby added to K.C.C. chapter  
10152 21A.37 a new section to read as follows:

10153 A. The TDR bank may establish in-lieu fee TDRs by collecting a fee-in-lieu of  
10154 selling TDRs from the TDR bank when TDR inventory is unavailable.

10155 1. TDR executive board shall determine when in-lieu fee TDRs may be made  
10156 available by considering the following:

10157 a. inventory of TDR bank and privately-owned TDRs;

10158 b. type of TDR needed by receiving site;

10159 c. price of available privately-owned TDRs; and

10160 d. opportunities to obtain new TDRs from eligible sending sites.

10161 2. In-lieu fee TDRs may be designated as rural or urban.

10162 3. The TDR bank shall sell in-lieu fee TDRs in accordance with K.C.C.

10163 21A.37.130 and 21A.37.140.

10164 4. In-lieu fee TDRs shall not be used for rural receiving sites.

10165 B. The TDR bank shall establish and maintain an internal tracking system that  
10166 identifies all funds collected through the sale of in-lieu fee TDRs, the quantity of in-lieu  
10167 fee TDRs purchased through the TDR bank, and all TDRs purchased using funds  
10168 collected from the sale of in-lieu fee TDRs.

10169 C. The TDR bank shall use funds collected from the sale of in-lieu fee TDRs to  
10170 purchase TDRs from qualified sending sites in a type and amount that is appropriate for  
10171 the development use and in accordance with K.C.C. 21A.37.110. Funds collected from  
10172 the sale of in-lieu fee TDRs that were designated as rural shall be used to purchase TDRs  
10173 from rural or resource lands.

10174 NEW SECTION. SECTION 187. There is hereby added to K.C.C. chapter  
10175 21A.37 a new section to read as follows:

10176 By May 1, 2026, and every two years thereafter, the executive shall electronically  
10177 file a TDR program report with the clerk of the council, who shall provide an electronic  
10178 copy to all councilmembers, the council chief of staff, and the lead staff for the  
10179 transportation economy and environment committee or its successor. The TDR program  
10180 report should address the following:

10181 A. Information on sending site enrollments;

10182 B. Information on uses of TDRs at receiving sites;

10183 C. An accounting of revenues received and expenditures made through the TDR  
10184 bank; and

10185 D. The status of amenity funding for receiving areas.

10186 SECTION 188. Ordinance 10870, Section 579, as amended, and K.C.C.

10187 21A.38.030 are hereby amended to read as follows:

10188 A. Property-specific development standards, denoted by the zoning map symbol -P  
10189 after the zone's map symbol or a notation in the geographic information system data layers,  
10190 shall be established on individual properties through either reclassifications or area zoning.  
10191 All property-specific development standards are contained in Appendix ~~((ef))~~ A to  
10192 Ordinance 12824 ~~((as currently in effect or hereinafter amended))~~, as amended, and shall be  
10193 maintained by the department of local services, permitting division, in the Property Specific  
10194 Development Conditions notebook. Upon the effective date of reclassification of a property  
10195 to a zone with a "-P" suffix, the property-specific development standards adopted thereby  
10196 shall apply to any development proposal on the subject property subject to county review,  
10197 including, but not limited to, a building permit, grading permit, subdivision, short  
10198 subdivision, subsequent reclassification to a potential zone, ~~((urban planned development,))~~  
10199 conditional use permit, variance<sub>2</sub> and special use permit.

10200 B. Property-specific development standards shall address problems unique to  
10201 individual properties or a limited number of neighboring properties that are not addressed or  
10202 anticipated by general minimum requirements of this title or other regulations.

10203 C. Property-specific development standards shall cite the provisions of this title, if  
10204 any, that are to be augmented, limited, or increased, shall be supported by documentation  
10205 that addresses the need for such a condition or conditions, and shall include street addresses,

10206 tax lot numbers, or other clear means of identifying the properties subject to the additional  
10207 standards. Property-specific development standards are limited to:  
10208 1. Limiting the range of permitted land uses;  
10209 2. Requiring special development standards for property with physical constraints  
10210 (~~((e.g.)), such as~~ environmental hazards(~~(;)~~) and view corridors(~~(;)~~);  
10211 3. Requiring specific site design features (~~((e.g.)), such as~~ building orientation, lot  
10212 layout, clustering, trails, or access location(~~(;)~~);  
10213 4. Specifying the phasing of the development of a site;  
10214 5. Requiring public facility site dedications or improvements (~~((e.g.)), such as~~  
10215 roads, utilities, parks, open space, trails, or school sites(~~(;)~~); or  
10216 6. Designating sending and receiving sites for transferring density credits as  
10217 provided in K.C.C. chapter (~~(21A.36)~~) 21A.37.

10218 D. Property-specific development standards shall not be used to expand permitted  
10219 uses or reduce minimum requirements of this title.

10220 SECTION 189. Ordinance 10870, Section 578, as amended, and K.C.C.  
10221 21A.38.050 are hereby amended to read as follows:

10222 A. The purpose of the pedestrian-oriented commercial development special  
10223 district overlay is to provide for high-density, pedestrian-oriented retail and employment  
10224 uses. The pedestrian-oriented commercial districts shall only be established in areas  
10225 designated as a center on the adopted Urban Centers map of the King County  
10226 Comprehensive Plan and zoned CB, RB, or O.

10227 B. Permitted uses shall be those uses permitted in the underlying zone, excluding  
10228 the following:

- 10229 1. Motor vehicle, boat, and mobile home dealer;
- 10230 2. Gasoline service station;
- 10231 3. Uses with drive-through facilities, except SIC Industry Number 5812 (Eating
- 10232 places) in buildings existing before July 2017;
- 10233 4. SIC Industry Group 598 (Fuel dealers);
- 10234 5. Uses with outside storage, ((e.g.)) such as lumber yards, miscellaneous
- 10235 equipment rental, or machinery sales;
- 10236 6. Bulk retail;
- 10237 7. ((~~Recreation~~)) Recreational and cultural uses ((~~as set forth~~)) in K.C.C.
- 10238 21A.08.040, except parks, sports clubs, theaters, libraries, and museums;
- 10239 8. SIC Major Group 75 (Automotive repair, services, and parking) except 7521
- 10240 (automobile parking; but excluding tow-in parking lots);
- 10241 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,
- 10242 clock and jewelry repair);
- 10243 10. SIC Major Group 78 (Motion pictures);
- 10244 11. SIC Major Group 80 (Health services), except offices and outpatient clinics
- 10245 (801-804);
- 10246 12. SIC Industry Group 421 (Trucking and courier service);
- 10247 13. Public agency archive;
- 10248 14. Self-service storage;
- 10249 15. Manufacturing land uses ((~~as set forth~~)) in K.C.C. 21A.08.080, except SIC
- 10250 Industry Code 2759 (Commercial printing);
- 10251 16. Resource land uses ((~~as set forth~~)) in K.C.C. 21A.08.090;

- 10252 17. SIC Industry Code 7261 (Funeral home/crematory);
- 10253 18. Cemetery, columbarium, or mausoleum;
- 10254 19. Interim recycling facility;
- 10255 20. Utility facility, except underground water, gas, or wastewater pipelines; and
- 10256 21. Vector waste receiving facility.

10257 C. The following development standards shall apply to development located in  
10258 pedestrian-oriented commercial overlay districts:

10259 1. For properties that have frontage on a public street, the following conditions  
10260 shall apply:

- 10261 a. main building entrances shall be oriented to the public street;
- 10262 b. at the ground floor (at grade), buildings shall be located no more than five  
10263 feet from the sidewalk or sidewalk improvement, but shall not encroach on the public  
10264 right-of-way. For buildings existing before August 20, 2020, with setbacks greater than  
10265 five feet and that have substantial improvements made to them after August 20, 2020, a  
10266 minimum five-foot-wide pedestrian walkway shall be constructed that connects the main  
10267 building entrance to the public sidewalk or sidewalk improvement;
- 10268 c. building facades shall comprise at least seventy-five percent of the total  
10269 street frontage for a property and if applicable, at least seventy-five percent of the total  
10270 pedestrian route frontage for a property;
- 10271 d. minimum setbacks of the underlying zoning are waived;
- 10272 e. building facades that front onto a street shall incorporate windows into at  
10273 least thirty percent of the building facade surface area and overhead protection above all



10274 building entrances and along at least fifty percent of length of the building facade, which  
10275 may extend over the sidewalk if it does not impede use of the sidewalk by the public;

10276 f. ground floor building facades shall include ornamentation such as decorative  
10277 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;  
10278 and

10279 g. buildings facades shall not be comprised of uninterrupted glass curtain walls or  
10280 mirrored glass;

10281 2. vehicle access shall be limited to the rear access alley or rear access street  
10282 where such an alley or street exists;

10283 3. Floor-to-lot area ratio shall not exceed 5:1 for nonresidential structures, not  
10284 including parking structures;

10285 4. The landscaping requirements of K.C.C. chapter 21A.16 shall apply to all  
10286 new development and buildings existing before August 20, 2020, that have substantial  
10287 improvements made to them after August 20, 2020; and

10288 5. Off-street parking requirements K.C.C. 21A.18.110 and K.C.C. 21A.48.050  
10289 shall apply, except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by  
10290 the director shall only allow use of on-street parallel parking in front of or adjacent to the  
10291 subject parcel for the parking spaces that cannot be accommodated to the rear or sides of  
10292 buildings.

10293 SECTION 190. Ordinance 12809, Section 5, as amended, and K.C.C.

10294 21A.38.120 are hereby amended to read as follows:

10295 A. The purpose of the wetland management area special overlay district is to  
10296 provide a means to designate certain unique and outstanding wetlands when necessary to

10297 protect their functions and values from the impacts created from geographic and hydrologic  
10298 isolation and impervious surface.

10299 B. the following development standards shall be applied in addition to all applicable  
10300 requirements of K.C.C. chapter 21A.24 to development proposals located within a wetland  
10301 management area district overlay:

10302 1. All subdivisions and short subdivisions on residentially zoned (~~((properties that~~  
10303 ~~are identified in an adopted basin plan for impervious surface limitations;))~~ lands located  
10304 within the wetland management area shall have a maximum impervious surface area of  
10305 eight percent of the gross acreage of the plat. (~~(For areas that are not covered by an adopted~~  
10306 ~~basin plan, this limit shall apply to all residentially zoned lands located within the wetland~~  
10307 ~~management area.))~~ Distribution of the allowable impervious area among the platted lots  
10308 shall be recorded on the face of the plat. Impervious surface of existing roads need not be  
10309 counted towards the allowable impervious area. This condition may be modified by the  
10310 director for the minimum necessary to accommodate unusual site access conditions; and

10311 2. All (~~(subdivisions and short subdivisions on properties identified in an adopted~~  
10312 ~~basin plan for clustering and setback requirements))~~ lands containing or adjacent to a  
10313 wetland, a stream tributary corridor, or a swale connecting wetlands shall be required to  
10314 cluster away from wetlands or the axis of corridors along stream tributaries and identified  
10315 swales connecting wetlands in order to minimize land disturbance and maximize distance  
10316 from these sensitive features. At least sixty-five percent of affected portions of RA-zoned  
10317 properties and at least fifty percent of all other affected portions of the property shall be left  
10318 in native vegetation, preferably forest, and placed in a permanent open space tract. (~~In the~~

10319 ~~absence of a basin plan, these requirements shall apply to all lands containing or adjacent to~~  
10320 ~~a wetland, a stream tributary corridor or a swale connecting wetlands; and~~

10321 ~~3. Clearing and grading activity from October 1 through March 31 shall meet the~~  
10322 ~~provisions of K.C.C. 16.82.150D wherever not already applicable.))~~

10323 SECTION 191. Ordinance 12823, Section 10, and K.C.C. 21A.38.150 are hereby  
10324 amended to read as follows:

10325 A. The purpose of the ~~((ground water))~~ groundwater protection special district  
10326 overlay is to limit land uses that have the potential to severely contaminate groundwater  
10327 supplies and to provide increased areas of permeable surface to allow for infiltration of  
10328 surface water into ground resources.

10329 B. For all commercial and industrial development proposals, at least ~~((40))~~ forty  
10330 percent of the site shall remain in natural vegetation or planted with landscaping, which area  
10331 shall be used to maintain predevelopment infiltration rates for the entire site. For purposes  
10332 of this special district overlay, the following shall be considered commercial and industrial  
10333 land uses:

10334 1. ~~((amusement/entertainment))~~ Recreational and cultural land uses as defined by  
10335 K.C.C. 21A.08.040, except trails, golf facilities, and arboretums;

10336 2. ~~((g))~~ General services land uses as defined by K.C.C. 21A.08.050, except health  
10337 ~~((and educational))~~ services land uses, education services land uses, daycare ((+)) I,  
10338 ~~((churches, synagogues, and temples))~~ and religious facilities;

10339 3. ~~((g))~~ Government/business services land uses as defined by K.C.C. 21A.08.060,  
10340 except government services land uses;

10341 4. ~~((#))Retail((wholesale))~~ land uses as defined by K.C.C. 21A.08.070, except  
10342 forest product sales and agricultural product sales;

10343 5. ~~((m))~~Manufacturing land uses as defined by K.C.C. 21A.08.080; and~~((;))~~

10344 6. ~~((mineral extraction and processing))~~ Resource land uses as defined by K.C.C.  
10345 21A.08.090, except agriculture land uses, forestry and uses, fish and wildlife management  
10346 land uses, and accessory uses.

10347 C. Permitted uses within the area of the ground water protection special district  
10348 overlay shall be those permitted in the underlying zone, excluding the following ~~((as defined~~  
10349 ~~by Standard Industrial Classification number and type))~~:

10350 1. ~~((SIC 4581, airports, flying fields, and airport terminal services;~~  
10351 2. ~~SIC 4953, refuse systems, (including landfills and garbage transfer stations~~  
10352 ~~operated by a public agency);~~

10353 3. ~~SIC 4952, sewerage systems (including wastewater treatment facilities); and~~

10354 4. ~~SIC 7996, amusement parks; SIC 7948, racing, including track operation; or~~  
10355 ~~other commercial establishments or enterprises involving large assemblages of people or~~  
10356 ~~automobiles except where excluded by section B above;~~

10357 5. ~~SIC 0752, animal boarding and kennel services;~~

10358 6. ~~SIC 1721, building painting services;~~

10359 7. ~~SIC 3260, pottery and related products manufacturing;~~

10360 8. ~~SIC 3599, machine shop services;~~

10361 9. ~~SIC 3732,))~~ Aircraft, ship, and boat building and repairing;

10362 ~~((10. SIC 3993, electric and neon sign manufacturing;~~

10363 11. ~~SIC 4226, automobile storage services;~~

10364 ~~12. SIC 7334, blueprinting and photocopying services;~~

10365 ~~13.)) 2. Warehousing and wholesale trade;~~

10366 ~~3. SIC 7534, tire retreading ((and repair services));~~

10367 ~~((14. SIC 7542, car washes;~~

10368 ~~15. SIC 8731, commercial, physical and biological research laboratory services;~~

10369 ~~16. SIC 02, interim agricultural crop production and livestock quarters or grazing~~

10370 ~~on properties 5 acres or larger in size;~~

10371 ~~17. SIC 0752, public agency animal control facility;~~

10372 ~~18. SIC 2230, 2260, textile dyeing;~~

10373 ~~19. SIC 2269, 2299, textile and textile goods finishing;~~

10374 ~~20. SIC 2700, printing and publishing industries;~~

10375 ~~21. SIC 2834, pharmaceuticals manufacturing;~~

10376 ~~22. SIC 2844, cosmetics, perfumes and toiletries manufacturing;~~

10377 ~~23. SIC 2893, printing ink manufacturing;~~

10378 ~~24. SIC 3000, rubber products fabrication;~~

10379 ~~25. SIC 3111, leather tanning and finishing;~~

10380 ~~26. SIC 3400, metal products manufacturing and fabrication;~~

10381 ~~27. SIC 3471, metal electroplating;~~

10382 ~~28. SIC 3691, 3692, battery rebuilding and manufacturing;~~

10383 ~~29. SIC 3711, automobile manufacturing; and~~

10384 ~~30. SIC 4600, petroleum pipeline operations)) 4. SIC 754, automotive service; and~~

10385 ~~5. SIC 36, electronic and other electric equipment.~~

10386            SECTION 192. Ordinance 11621, Section 112, as amended, and K.C.C.  
10387 21A.43.030 are hereby amended to read as follows:

10388            A. The fee for each district shall be calculated based on the formula set out in  
10389 Attachment A to Ordinance 11621.

10390            B. Separate fees shall be calculated for single family and ~~((multi-family))~~  
10391 multifamily residential units and separate student generation rates must be determined by  
10392 the district for each type of residential unit. For purposes of this chapter, "single family  
10393 units" shall mean single detached dwelling units, and ~~((multi-family))~~ "multifamily units"  
10394 shall mean duplexes, triplexes, fourplexes, townhouses, and apartments.

10395            C. The fee shall be calculated on a district-by-district basis using the appropriate  
10396 factors and data to be supplied by the district, as indicated in Attachment A to Ordinance  
10397 11621. The fee calculations shall be made on a district-wide basis to assure maximum  
10398 utilization of all school facilities in the district used currently or within the last two years  
10399 for instructional purposes.

10400            D. The formula in Attachment A to Ordinance 11621 also provides a credit for  
10401 the anticipated tax contributions that would be made by the development based on  
10402 historical levels of voter support for bond issues in the school district.

10403            E. The formula in Attachment A to Ordinance 11621 also provides for a credit  
10404 for school facilities or sites actually provided by a developer ~~((which))~~ that the school  
10405 district finds to be acceptable.

10406            SECTION 193. Ordinance 11621, Section 114, as amended, and K.C.C.  
10407 21A.43.050 are hereby amended to read as follows:

10408           A. In school districts where impact fees have been adopted by county ordinance  
10409 and except as provided in K.C.C. 21A.43.080, the county shall collect impact fees, based  
10410 on the schedules ~~((set forth))~~ in each ordinance establishing the fee to be collected for the  
10411 district, from any applicant seeking development approval from the county where such  
10412 development activity requires final plat~~((, PUD or UPD))~~ approval or the issuance of a  
10413 residential building permit or a mobile home permit and the fee for the lot or unit has not  
10414 been previously paid. ~~((No a))~~ Approval shall not be granted and ~~((no))~~ a permit shall not  
10415 be issued until the required school impact fees ~~((set forth))~~ in the district's impact fee  
10416 schedule contained in K.C.C. Title 27 have been paid.

10417           B. For a plat~~((, PUD or UPD))~~ applied for on or after the effective date of the  
10418 ordinance adopting the fee for the district in question receiving final approval, fifty  
10419 percent of the impact fees due on the plat~~((, PUD or UPD))~~ shall be assessed and  
10420 collected from the applicant at the time of final approval, using the impact fee schedules  
10421 in effect when the plat~~((, PUD or UPD))~~ was approved. The balance of the assessed fee  
10422 shall be allocated to the dwelling units in the project, and shall be collected when the  
10423 building permits are issued. Residential developments proposed for short plats shall be  
10424 governed by subsection D<sub>2</sub> of this section.

10425           C. If<sub>2</sub> on the effective date of an ordinance adopting an impact fee for a district, a  
10426 plat~~((, PUD or UPD))~~ has already received preliminary approval, such plat~~((, PUD or~~  
10427 ~~UPD))~~ shall not be required to pay fifty percent of the impact fees at the time of final  
10428 approval, but the impact fees shall be assessed and collected from the lot owner at the  
10429 time the building permits are issued, using the impact fee schedules in effect at the time  
10430 of building permit application. If<sub>2</sub> on the effective date of a district's ordinance, an

10431 applicant has applied for preliminary plat(~~(, PUD or UPD)~~) approval, but has not yet  
10432 received such an approval, the applicant shall follow the procedures (~~(set forth)~~) in  
10433 subsection B<sub>2</sub> of this section.

10434 D. For existing lots or lots not covered by subsection B<sub>2</sub> of this section,  
10435 application for single family and multifamily residential building permits, mobile home  
10436 permits, and site plan approval for mobile home parks, the total amount of the impact  
10437 fees shall be assessed and collected from the applicant when the building permit is issued,  
10438 using the impact fee schedules in effect at the time of permit application.

10439 E. Any application for preliminary plat(~~(, PUD or UPD)~~) approval or multifamily  
10440 zoning (~~(which)~~) that has been approved subject to conditions requiring the payment of  
10441 impact fees established (~~(pursuant to)~~) in accordance with this chapter, shall be required  
10442 to pay the fee in accordance with the condition of approval.

10443 F. In lieu of impact fee payment (~~(pursuant to)~~) under subsections A. through E.  
10444 of this section, each applicant for a single-family residential construction permit may  
10445 request deferral of impact fee collection for up to the first twenty single-family residential  
10446 construction building permits per year. Applicants shall be identified by their contractor  
10447 registration numbers. Deferred payment of impact fees shall occur either at the time of  
10448 final permit inspection by the department of local services, permitting division, or  
10449 eighteen months after the building permit is issued, whichever is earlier.

10450 SECTION 194. Ordinance 11621, Section 116, as amended, and K.C.C.  
10451 21A.43.070 are hereby amended to read as follows:

10452 A. The following are excluded from the application of the impact fees:



10453 1. Any form of housing exclusively for ~~((the))~~ seniors ~~((citizen))~~, including  
10454 nursing homes and retirement centers, so long as these uses are maintained;

10455 2. Reconstruction, remodeling, or replacement of existing dwelling units  
10456 ~~((which))~~ that does not result in additional new dwelling units. In the case of replacement  
10457 of a dwelling, a complete application for a building permit must be submitted within  
10458 three years after it has been removed or destroyed;

10459 3. Shelters for temporary placement, relocation facilities, transitional housing  
10460 facilities, and ~~((C))~~ community ~~((R))~~ residential ~~((F))~~ facilities as defined in K.C.C.  
10461 21A.06.220;

10462 4. Any development activity that is exempt from the payment of an impact fee  
10463 ~~((pursuant to))~~ under RCW 82.02.100, due to mitigation of the same system improvement  
10464 under ~~((the State Environmental Policy Act))~~ SEPA;

10465 5. Any development activity for which school impacts have been mitigated  
10466 ~~((pursuant to))~~ in accordance with a condition of plat~~((, PUD or UPD))~~ approval to pay  
10467 fees, dedicate land or construct or improve school facilities, unless the condition of the  
10468 plat~~((, PUD or UPD))~~ approval provides otherwise; ~~((provided that))~~ but only if the  
10469 condition of the plat~~((, PUD or UPD))~~ approval predates the effective date of a school  
10470 district's fee implementing ordinance;

10471 6. Any development activity for which school impacts have been mitigated  
10472 ~~((pursuant to))~~ in accordance with a voluntary agreement entered into with a school  
10473 district to pay fees, dedicate land, or construct or improve school facilities, unless the  
10474 terms of the voluntary agreement provide otherwise; provided that the agreement  
10475 predates the effective date of a school district's fee implementing ordinance;

10476           7. Housing units (~~which~~) that fully qualify as housing for persons (~~age-55~~)  
10477 aged fifty-five and over meeting the requirements of the Federal Housing Amendments  
10478 Act of 1988, 42 U.S.C. 3607(b)(2)(c) and (b)(3), as subsequently amended, and (~~which~~)  
10479 that have recorded covenants or other legal arrangements precluding school-aged children  
10480 as residents in those units;

10481           8. Mobile homes permitted as temporary dwellings (~~pursuant to~~) in accordance  
10482 with K.C.C. 21A.32.170; and

10483           9. Accessory dwelling units as defined in K.C.C. 21A.06.350 and K.C.C.  
10484 21A.08.030\_B.7.a.

10485           B. Arrangement may be made for later payment with the approval of the school  
10486 district only if the district determines that (~~it~~) the school district will be unable to use or  
10487 will not need the payment until a later time, provided that sufficient security, as defined  
10488 by the district, is provided to assure payment. Security shall be made to and held by the  
10489 school district, which will be responsible for tracking and documenting the security  
10490 interest.

10491           C. The fee amount established in the schedule shall be reduced by the amount of  
10492 any payment previously made for the lot or development activity in question, either as a  
10493 condition of approval or (~~pursuant to~~) in accordance with a voluntary agreement with a  
10494 school district entered into after the effective date of a school district's fee implementing  
10495 ordinance.

10496           D. After the effective date of a school district's fee implementing ordinance,  
10497 whenever a development is granted approval subject to a condition that the developer  
10498 actually provide school sites, school facilities, or improvements to school facilities

10499 acceptable to the district, or whenever the developer has agreed, ~~((pursuant to))~~ in  
10500 accordance with the terms of a voluntary agreement with the school district, to provide  
10501 land, provide school facilities, or make improvements to existing facilities, the developer  
10502 shall be entitled to a credit for the value of the land or actual cost of construction against  
10503 the fee that would be chargeable under the formula provided by this chapter. The land  
10504 value or cost of construction shall be estimated at the time of approval, but must be  
10505 documented. If construction costs are estimated, the documentation shall be confirmed  
10506 after the construction is completed to assure that an accurate credit amount is provided.  
10507 If the land value or construction costs are less than the calculated fee amount, the  
10508 difference remaining shall be chargeable as a school impact fee.

10509 E. Impact fees may be adjusted by the county, at the county's discretion, if one of  
10510 the following circumstances exist, ~~((provided that))~~ but only if the discount ~~((set forth))~~ in  
10511 the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the  
10512 unfairness of the fee:

10513 1. The developer demonstrates that an impact fee assessment was incorrectly  
10514 calculated; or

10515 2. Unusual circumstances identified by the developer demonstrate that if the  
10516 standard impact fee amount was applied to the development, it would be unfair or unjust.

10517 F. A developer may provide studies and data to demonstrate that any particular  
10518 factor used by the district may not be appropriately applied to the development proposal,  
10519 but the district's data shall be presumed valid unless clearly demonstrated to be otherwise  
10520 by the proponent.

10521 G. Any appeal of the decision of the director or the hearing examiner with regard  
10522 to imposition of an impact (~~((for))~~) fee or other fee amounts shall follow the appeal process  
10523 for the underlying permit and not be subject to a separate appeal process. Where no other  
10524 administrative appeal process is available, an appeal may be taken to the hearing  
10525 examiner using the appeal procedures for variances. Any errors in the formula identified  
10526 as a result of an appeal should be referred to the council for possible modification.

10527 H. Impact fees may be paid under protest in order to obtain a building permit or  
10528 other approval of development activity, when an appeal is filed.

10529 SECTION 195. Ordinance 10870, Section 623, and K.C.C. 21A.44.020 are  
10530 hereby amended to read as follows:

10531 A temporary use permit shall be granted by the county, only if the applicant  
10532 demonstrates that:

10533 A. The proposed temporary use will not be materially detrimental to the public  
10534 welfare;

10535 B. The proposed temporary use is compatible with existing land uses in the  
10536 immediate vicinity in terms of noise and hours of operation;

10537 C. The proposed temporary use, if located in a resource zone(~~((s))~~):

10538 1. (~~((w))~~)Will not be materially detrimental to the use of the land for resource  
10539 purposes;

10540 2. Is consistent with applicable Comprehensive Plan policies addressing rural  
10541 character, natural resource lands, and compatibility; and

10542 3. (~~((w))~~)Will provide adequate off-site parking if necessary to protect against soil  
10543 compaction;

10544 D. The proposed temporary use, if located in the rural area, is consistent with  
10545 applicable Comprehensive Plan policies addressing rural character and compatibility;

10546 E. A proposed temporary use for commercial purposes on a property that has  
10547 open space taxation or Farm and Agricultural Current Use taxation status is consistent  
10548 with those program requirements;

10549 F. Adequate public off-street parking and traffic control for the exclusive use of  
10550 the proposed temporary use can be provided in a safe manner; and

10551 ~~((E.))~~ G. The proposed temporary use is not otherwise permitted in the zone in  
10552 which it is proposed.

10553 NEW SECTION. SECTION 196. There is hereby added to K.C.C. chapter  
10554 21A.44 a new section to read as follows:

10555 Developments using a community on-site sewage system or large on-site sewage  
10556 system may be permitted only in the following circumstances in the Rural Area and  
10557 Natural Resource Lands:

10558 A. Existing on-site systems are failing within an area and public health - Seattle  
10559 & King County concurs that long-term individual on-site sewage system repairs are not  
10560 feasible or water quality is threatened by the presence of or potential health hazards  
10561 resulting from inadequate on-site wastewater disposal methods;

10562 B. An authorized public agency will manage the system;

10563 C. The system is designed only to serve existing structures and lots and cannot be  
10564 used as a basis to exceed base density for the zone or applicable special district overlays  
10565 or p-suffixes. Substandard vacant lots must be combined to the extent feasible to meet  
10566 rural density policies and regulations;

- 10567 D. A system serving residentially developed lots cannot be used to:
- 10568 1. Expand existing permitted nonresidential uses in size or scale;
- 10569 2. Establish new permitted nonresidential uses; or
- 10570 3. Serve commercially zoned properties; and
- 10571 E. For a system serving commercially developed lots:
- 10572 1. The system is used only to serve commercially zoned properties;
- 10573 2. Property-specific development conditions are imposed that establish a range
- 10574 of allowed uses that can be adequately served by the system at the time of its
- 10575 construction; and
- 10576 3. The allowed uses are not more expansive than those allowed in the
- 10577 underlying zone.

10578 SECTION 197. Sections 198 through 200 of this ordinance should constitute a

10579 new chapter in K.C.C. Title 21A.

10580 NEW SECTION. SECTION 198. There is hereby added to the chapter

10581 established in section 197 of this ordinance a new section to read as follows:

10582 The purpose of this chapter is to provide standards for emergency housing options

10583 and to address the potential impacts to neighborhoods.

10584 NEW SECTION. SECTION 199. There is hereby added to the chapter

10585 established in section 197 of this ordinance a new section to read as follows:

10586 A. In addition to contents otherwise required for applications in the code,

10587 including but not limited to K.C.C. 20.20.040, the application for emergency housing

10588 shall include:

10589 1. A description of the staffing and operational characteristics, including

10590 confirmation of sanitation and basic safety measures required for the facility;

10591           2. Occupancy policies, including a description of the population to be served

10592 and a code of conduct that includes, at a minimum, a prohibition of threatening or unsafe

10593 behavior;

10594           3. A plan for managing the exterior appearance of the site, including keeping the

10595 site litter free;

10596           4. A phone number, email, and point of contact at the site of the facility for the

10597 community to report concerns. A plan for addressing reported concerns and making this

10598 information publicly available;

10599           5. A plan for outreach with surrounding property owners and residents

10600 addressing items such as noise, smoking areas, parking, security procedures, and litter;

10601 and

10602           6. A site plan and narrative documenting compliance with all applicable codes,

10603 including:

10604           a. a sketch of the building or buildings to be occupied;

10605           b. a floor plan that describes the capacities of the buildings for the uses

10606 intended, room dimensions, and a designation of the rooms to be used for nonambulatory

10607 residents, if any; and

10608           c. a sketch of the grounds showing buildings, driveways, fences, storage areas,

10609 pools, gardens, and recreation areas, including all spaces used by the residents.

10610           B. When in conflict with other sections of this title, the criteria in this chapter

10611 supersede.

10612           NEW SECTION. SECTION 200. There is hereby added to the chapter

10613 established in section 197 of this ordinance a new section to read as follows:

10614 Safe parking is subject to the following criteria:

10615 A. When safe parking is located on a site with an established primary use, the  
10616 director may reduce the minimum number of on-site parking spaces required in K.C.C.  
10617 chapter 21A.18 for the primary use in order to use those spaces for safe parking, based on  
10618 a parking study prepared by a professional engineer with expertise in traffic and parking  
10619 analyses, or an equally qualified individual as authorized by the director;

10620 B. A safe parking site that allows vehicles that do not have restroom facilities  
10621 must provide restroom and potable water access within the buildings on the property or  
10622 portable facilities and handwashing stations; and

10623 C. If recreational vehicles are hosted at the safe parking site, provision must be  
10624 made for potable water and for proper disposal of grey water and black water waste from  
10625 the vehicles.

10626 SECTION 201. Ordinance 3269, Section 2, and K.C.C. 24.08.010 are hereby  
10627 amended to read as follows:

10628 ~~((For the purpose of this title, the following terms have the meanings ascribed to~~  
10629 ~~them in this chapter.)) The definitions in K.C.C. chapter 21A.06 and the definitions in  
10630 this chapter apply to this title. Where definitions in this chapter differ from the  
10631 definitions in K.C.C. chapter 21A.06, the definitions in this chapter shall control.~~

10632 NEW SECTION. SECTION 202. There is hereby added to K.C.C. chapter 24.08 a  
10633 new section to read as follows:

10634 Rotating shelter: an emergency shelter where the hosting organizations host  
10635 shelter operations for a brief time, rotating the shelter operations between its participating



10636 host locations.

10637 SECTION 203. Sections 204 through 209 of this ordinance should constitute a  
10638 new chapter in K.C.C. Title 24.

10639 NEW SECTION. SECTION 204. There is hereby added to the chapter  
10640 established in section 203 of this ordinance a new section to read as follows:

10641 The purpose of this chapter is to provide standards for emergency housing options  
10642 and to address the potential impacts to neighborhoods.

10643 NEW SECTION. SECTION 205. There is hereby added to the chapter  
10644 established in section 203 of this ordinance a new section to read as follows:

10645 Recuperative housing is subject to the following criteria:

10646 A. Prospective residents shall be referred to the facility by off-site providers of  
10647 housing and services for people experiencing homelessness;

10648 B. Recuperative housing facilities shall be staffed and in operation twenty-four  
10649 hours per day;

10650 C. Specific rooms or units shall be assigned to specific residents for the duration of  
10651 their stay;

10652 D. On-site services such as laundry, hygiene, meals, case management, and social  
10653 programs are limited to residents;

10654 E. All vehicles on-site shall be licensed and in operational condition; and

10655 F. A lease agreement for residents is allowed but not required.

10656 NEW SECTION. SECTION 206. There is hereby added to the chapter  
10657 established in section 203 of this ordinance a new section to read as follows:

10658 A. Emergency shelters that operate twenty-four hours per day, seven days per week,

10659 are subject to the following criteria:

10660 1. Facilities shall be staffed twenty-four hours per day; and

10661 2. Beds or rooms shall be assigned to specific residents for the duration of their  
10662 stay;

10663 B. Permanent emergency shelters that operate only overnight and rotating shelters  
10664 shall provide on-site supervision while in operation; and

10665 C. A lease agreement for residents is allowed but not required.

10666 NEW SECTION. SECTION 207. There is hereby added to the chapter  
10667 established in section 203 of this ordinance a new section to read as follows:

10668 Emergency supportive housing and interim housing are subject to the following  
10669 criteria:

10670 A. Facilities shall be staffed and in operation twenty-four hours per day;

10671 B. Specific rooms or units shall be assigned to specific residents for the duration of  
10672 their stay;

10673 C. On-site services such as laundry, hygiene, meals, case management, and social  
10674 programs shall be limited to residents;

10675 D. All vehicles on-site shall be licensed and in operational condition; and

10676 E. A lease agreement for residents is allowed but not required.

10677 NEW SECTION. SECTION 208. There is hereby added to the chapter  
10678 established in section 203 of this ordinance a new section to read as follows:

10679 Microshelter villages are subject to the following criteria:

10680 A. On-site services such as laundry, hygiene, meals, case management, and social  
10681 programs shall be limited to residents;

- 10682           B. Supervision shall be provided by on-site staff at all times, unless it can be  
10683 demonstrated that this level of supervision is not warranted for the population being housed;
- 10684           C. The organization managing and operating the facility shall provide sanitation and  
10685 basic safety measures;
- 10686           D. All vehicles on-site shall be licensed and in operational condition; and
- 10687           E. A lease agreement for residents is allowed but not required
- 10688           NEW SECTION. SECTION 209. There is hereby added to the chapter  
10689 established in section 203 of this ordinance a new section to read as follows:
- 10690           Safe parking sites are allowed subject to the following criteria:
- 10691           A. A six-foot clearance shall be provided around each recreational vehicle;
- 10692           B. All vehicles on-site shall be:
- 10693               1. Licensed and in operable condition; and
- 10694               2. Parked with the designated parking area;
- 10695           C. All personal property shall be stored inside the vehicles;
- 10696           D. All propane tanks shall be securely fastened to a recreational vehicle's propane  
10697 tank mounting bracket;
- 10698           E. The following are prohibited:
- 10699               1. Tents, tarps, and other temporary structures, such as lean-tos;
- 10700               2. Vehicles that leak the following:
- 10701                   a. domestic sewage or other waste fluids or solids; or
- 10702                   b. gasoline, transmission or radiator fluid, engine oil, or other similar fluids,  
10703 excluding potable water;
- 10704               3. Fires; and

10705 4. Audio, video, generator, or other amplified sound that is audible outside the  
10706 vehicles; and

10707 F. The organization managing or operating the safe parking site shall comply and  
10708 enforce compliance of applicable state statutes and regulations and local ordinances  
10709 concerning, but not limited to, drinking water connections, solid waste disposal, human  
10710 waste, outdoor fire burning, and electrical systems.

10711 SECTION 210. Ordinance 19555, Section 22, and K.C.C. 21A.48.010 are hereby  
10712 amended to read as follows:

10713 A. The purpose of the inclusionary housing regulations is to provide for the creation  
10714 of new affordable dwelling units, particularly in areas where there is a high risk for  
10715 displacement.

10716 B. The regulations and incentives in this chapter shall apply only to the ~~((Skyway-~~  
10717 ~~West Hill and North Highline community service area subarea geographies, as follows))~~  
10718 following geographies:

10719 1. The standards in K.C.C. 21A.48.020 shall apply to areas with an unincorporated  
10720 activity center land use designation;

10721 2. The voluntary incentives in K.C.C. 21A.48.030 shall apply to:

10722 a. areas in the Skyway-West Hill and North Highline community service area  
10723 subarea geographies that do not have an unincorporated activity center land use designation;  
10724 and

10725 b. except as provided for in subsection B.1. and B.2. of this section, sites that are  
10726 served by public sewers and that are in the following zones in the urban area or rural towns:

10727 (1) the R-4 through R-48 zones; and

10728                    (2) the NB, CB, RB, and O zones when part of a mixed-use development; and  
10729                    3. The standards in K.C.C. 21A.48.040, K.C.C. 21A.48.050, K.C.C. 21A.48.060,  
10730 K.C.C. 21A.48.070, K.C.C. 21A.48.080, and K.C.C. 21A.48.090 shall apply to any  
10731 inclusionary housing project.

10732                    C. Development or substantial improvement of one dwelling unit, an accessory  
10733 dwelling unit, mobile home parks, cottage housing, or senior (~~citizen~~) assisted housing  
10734 shall not be subject to this chapter. Accessory dwelling units shall not be used to meet the  
10735 requirements of this section.

10736                    SECTION 211. Ordinance 19555, Section 24, and K.C.C. 21A.48.030 are hereby  
10737 amended to read as follows:

10738                    A. This section shall apply:

10739                    1. (~~w~~) Within the Skyway-West Hill and North Highline community service area  
10740 subarea geographies except for areas with an unincorporated activity center land use  
10741 designation; and

10742                    2. Except as provided for in subsection A.1. of this section and K.C.C.  
10743 21A.48.010, on sites that are served by public sewers and that are in the following zones in  
10744 the urban area or rural towns:

10745                    a. the R-4 through R-48 zones; and

10746                    b. the NB, CB, RB, and O zones when part of a mixed-use development.

10747                    B.1. New or substantially improved development may only exceed the base density  
10748 allowed in the zoning classification in accordance with the standards listed (~~below~~) in the  
10749 table in subsection B.2 of this section. Additional density is authorized with the use of  
10750 transfers of development rights in accordance with K.C.C. chapter 21A.37, as shown in the

10751 table in this subsection. Additional units derived from TDRs shall conform with the  
 10752 percentages at the affordability levels listed in the table in this section. The price of the  
 10753 TDR shall be determined in accordance with K.C.C. 21A.37.130.

10754 2. Affordability requirements.

<b>Affordability Requirements</b>			<b>TDR Allowance</b>
<b>Occupancy Type and AMI</b>	<b>Minimum Percentage of Total Units Required to be Affordable</b>	<b>Maximum Density (as percentage of base density)</b>	<b>Additional Density Allowed with purchase of TDRs</b>
<b>Developments with 9 or fewer units</b>	0%	100%	Up to 150% base density
<b>Rental at 60% AMI</b>	100%	200%	None
	20%	150%	Additional 50%, up to 200% of base density
	10%	125%	Additional 50%, up to 175% of base density
<b>Rental at 50% AMI</b>	100%	200%	None
	15%	150%	Additional 50%, up to 200% of base density
	7%	125%	Additional 50%, up to 175% of base density
	100%	200%	None

<b>Owner Occupied at 80% AMI</b>	30%	150%	Additional 50%, up to 200% of base density
	15%	125%	Additional 50%, up to 175% of base density
<b>Any combination of 80% AMI (Owner) and 60% AMI (Rental)</b>	100%	200%	None
	25%	150%	Additional 50%, up to 200% of base density
	12%	125%	Additional 50%, up to 175% of base density

10755 C. In Vashon Rural Town:

10756 1. Only developments that provide one hundred percent affordable housing are

10757 eligible; and

10758 2. Use of the TDR allowance is prohibited.

10759 SECTION 212. Ordinance 19555, Section 25, and K.C.C. 21A.48.040 are hereby

10760 amended to read as follows:

10761 A. The number of required affordable dwelling units shall be calculated by

10762 multiplying the total number of dwelling units to be constructed by the applicable

10763 percentages of affordable dwelling units as established in K.C.C. 21A.48.020 or K.C.C.

10764 21A.48.030, and for purposes of providing an affordable dwelling unit, fractions shall be

10765 rounded in accordance with K.C.C. 21A.12.070, except as follows:

10766 1. For fractions below 0.50, the applicant shall pay a fee based on the fraction

10767 multiplied by the value of a single affordable dwelling unit. The fee and affordable dwelling

10768 unit value shall be calculated using the same method as required for payment in lieu of

10769 providing affordable dwelling units in K.C.C. 21A.48.080. The revenues generated from  
10770 the fee shall be dedicated to affordable housing projects in the same community service area  
10771 subarea geography where the development is occurring; and

10772 2. Affordable dwelling units in the development shall be calculated as follows:

10773 a. Studio dwelling units shall be counted as one-half of one affordable dwelling  
10774 unit;

10775 b. One-bedroom and two-bedroom dwelling units shall be counted as one  
10776 affordable dwelling unit;

10777 c. Three-bedroom dwelling units shall be counted as one and one-half affordable  
10778 dwelling units; and

10779 d. Dwelling units with four or more bedrooms shall be counted as two affordable  
10780 dwelling units.

10781 B. Base density is as established in K.C.C. chapter 21A.12 or in in property-specific  
10782 development conditions or special district overlays, where applicable. In cases of conflict,  
10783 the base density in the property-specific development condition or special district overlay  
10784 shall apply.

10785 C. The total number of market-rate dwelling units and affordable dwelling units  
10786 shall not exceed the total allowed density as established in this chapter and K.C.C. chapter  
10787 21A.12 or as established in property-specific development conditions or special district  
10788 overlays, where applicable. In cases of conflict, the maximum density in the property-  
10789 specific development condition or special district overlay shall apply.

10790 SECTION 213. Ordinance 19555, Section 26, and K.C.C. 21A.48.050 are hereby  
10791 amended to read as follows:



10792 For developments subject to this chapter:

10793 A. The affordable dwelling units shall:

10794 1. Have a similar or larger unit size and bedroom composition as the market-rate

10795 dwelling units in the development;

10796 2. Be integrated throughout the development;

10797 3. Be constructed with materials and finishes of comparable quality to the market-

10798 rate dwelling units in the development;

10799 4. Meet accessibility standards at the same ratio as required by the development;

10800 and

10801 5. Have access equal to that of the market-rate dwelling units to on-site amenities

10802 including, but not limited to, parks, outdoor play areas, pools, exercise facilities and

10803 equipment, gathering spaces, bicycle repair facilities, shared work spaces, and similar on-

10804 site amenities.

10805 B. All the dimensional standards of K.C.C. chapter 21A.12 and any applicable

10806 property-specific development standards and special district overlays apply, except as

10807 specifically prescribed by this chapter. The following modifications shall only be utilized

10808 for developments that provide housing in conformance with K.C.C. 21A.48.020 or K.C.C.

10809 21A.48.030:

10810 1. The maximum height limits are as follows:

10811 a. In the R-18, R-24, and R-48 zones, eighty feet;

10812 b. In the NB zone, sixty-five feet;

10813 c. In the CB zone, eighty feet;

10814 d. In the RB and O zones, eighty-five feet; ((and))

10815 e. For properties subject to P-Suffix (~~(NH-PXX (the p-suffix established in Map~~  
10816 ~~Amendment 17 of Attachment D to Ordinance 19555))~~ NH-P04: the height limits set in the  
10817 P-Suffix;

10818 f. In the CB zone in Snoqualmie Pass Rural Town, sixty-five feet; and

10819 g. In Vashon Rural Town, thirty-five feet;

10820 2. In the R-18, R-24<sub>2</sub> and R-48 zones, any portion of a building that exceeds the  
10821 base height for the zone (~~(set forth)~~) in K.C.C. chapter 21A.12 shall be set back an  
10822 additional ten feet from the street property line and interior property line;

10823 3. In the NB, CB, RB<sub>2</sub> and O zones, any portion of a building that exceeds the  
10824 maximum height allowed for the zone by K.C.C. 21A.12.040.B.6. shall be set back an  
10825 additional ten feet from the street property line and interior property line;

10826 4. The percentages of residential uses in mixed use developments in K.C.C.  
10827 21A.14.110 do not apply. The percentages are as follows:

10828 a. a maximum of seventy-five percent of the total built floor area when located in  
10829 NB zones; and

10830 b. a maximum of eighty-five percent of the total built floor area when located in  
10831 CB, RB<sub>2</sub> and O zones;

10832 5. The building floor area ratios in K.C.C. 21A.14.130 do not apply.

10833 Developments subject to this chapter shall not have a floor area ratio maximum; and

10834 6. The parking and circulation standards of K.C.C. chapter 21A.18 apply, except:

10835 a. The minimum required parking spaces for apartments and townhouses shall be  
10836 one space per dwelling unit;

10837 b. The minimum required parking spaces for nonresidential uses of the project

10838 shall be the minimum required in K.C.C. 21A.18.020, or the minimum required in any  
10839 applicable property-specific development standard or special district overlay, whichever is  
10840 less; and

10841 c. The director may authorize a reduction of up to fifty percent of the minimum  
10842 required number of spaces for inclusionary housing projects without a required a parking  
10843 study. The director shall consider proximity to transit, bedroom composition, availability of  
10844 on-street parking, and proposed nonresidential uses when determining the size of the  
10845 reduction.

10846 SECTION 214. Ordinance 19555, Section 27, and K.C.C. 21A.48.060 are hereby  
10847 amended to read as follows:

10848 A. As a condition of development permit issuance, the department shall approve the  
10849 calculation of the number of required affordable dwelling units and allowed market-rate  
10850 dwelling units.

10851 B. Before issuance of the certificate of occupancy, the applicant shall record a  
10852 covenant or deed restriction on the property, in a form and substance acceptable to the  
10853 prosecuting attorney's office and department of community of human services, reflecting the  
10854 following:

10855 1. A statement that the length of the term of the affordability shall be for the life of  
10856 the development project for renter-occupied dwelling units or fifty years from the date of  
10857 initial occupancy for owner-occupied dwelling units;

10858 2. The total number of units;

10859 3. The number of market-rate dwelling units;

10860           4. The number and affordability of owner-occupied and rental affordable dwelling  
10861 units based on the standards of this chapter;

10862           5. A statement that for any owner-occupied dwelling units, the covenants or  
10863 declarations have been reviewed by the director and the terms ensure that the purposes of  
10864 this chapter are accomplished;

10865           6. Reporting requirements as required by the department of community and human  
10866 services, including subsequent community preference and affirmative marketing reports  
10867 after the certificate of occupancy is issued, where applicable under K.C.C. 21A.48.070; and

10868           7. Signatures of the property owner and the director.

10869           SECTION 215. Ordinance 19555, Section 28, and K.C.C. 21A.48.070 are hereby  
10870 amended to read as follows:

10871           For developments in the Skyway-West Hill and North Highline community service  
10872 area subarea geographies subject to this chapter:

10873           A. As part of a complete permit application, the applicant shall submit a community  
10874 preference and affirmative marketing plan. The plan shall include:

10875           1. A tenant selection process for the affordable dwelling units that provides a  
10876 preference for housing applicants with a current or past connection to the respective subarea  
10877 geography where the project is located. The plan should provide no more than and aim to  
10878 provide forty percent of the affordable dwelling units to tenants that meet the requirements  
10879 for community preference;

10880           2. An advertising and outreach plan designed to provide information to and attract  
10881 potential housing applicants who would otherwise be less likely to apply, without regard to  
10882 protected class status as established by federal, state and local laws. An affirmative

10883 advertising and outreach plan should generally help potential housing applicants know about  
10884 vacancies, feel welcome to apply, and have the opportunity to rent units; and

10885           3. A process for housing applicants to file an appeal regarding the tenant selection  
10886 process and verification of eligibility for preference.

10887           B. Before issuance of the building permit or subdivision approval, the community  
10888 preference and affirmative marketing plan shall be reviewed and approved by the  
10889 department of community and human services.

10890           C.1. At least sixty days before issuance of certificate of occupancy, the applicant  
10891 shall submit a community preference and affirmative marketing initial report. The initial  
10892 report shall include:

10893           a. information describing the activities conducted to implement the community  
10894 preference and affirmative marketing plan; and

10895           b. information regarding the number of housing applicants:

10896           (1) that requested a preference;

10897           (2) deemed eligible under the preference criteria;

10898           (3) eligible for the preference that were selected for housing; and

10899           (4) that appealed the preference selection process and the outcome of each

10900 appeal.

10901           2. Before issuance of the certificate of occupancy, the community preference and  
10902 affirmative marketing initial report shall be subject to review and approval by the  
10903 department of community and human services.

10904           D. The department of community and human services shall provide guidance and  
10905 technical assistance to the applicant to ensure the community preference and affirmative

10906 marketing plan and community preference and affirmative marketing report complies with  
10907 federal, state, and local laws and regulations.

10908 SECTION 216. Ordinance 19555, Section 29, and K.C.C. 21A.48.080 are hereby  
10909 amended to read as follows:

10910 A. The director may, at their discretion, approve a request for alternative  
10911 compliance for the inclusionary housing requirements. Requests for such modifications  
10912 shall clearly ~~((set forth))~~ state the facts upon which the request for relief is sought.

10913 Alternative compliance may include:

10914 1. Providing affordable housing units off-site at another location within the same  
10915 community service area subarea geography where the project is proposed;

10916 2. For developments subject to 21A.48.020, ((P))payment to the county in lieu of  
10917 constructing affordable housing units to be used to create affordable housing units within the  
10918 same community services area subarea geography; or

10919 3. Such other means proposed by the applicant and approved at the discretion of  
10920 the director, consistent with the following criteria for alternative compliance.

10921 B. Alternative compliance requests may only be approved when all of the following  
10922 requirements are met:

10923 1. The applicant demonstrates that the proposed alternative compliance method  
10924 provides the same number and quality affordable housing units as those provided on site;

10925 2. The affordable housing units provided through the alternative compliance  
10926 method will provide the same mix of rental or owner-occupied units as would have  
10927 otherwise been provided on site; and

10928           3. In no case shall the director approve an alternative compliance request that  
10929 results in zero affordable housing units being constructed on-site.

10930           C. If an alternative compliance request is approved that includes off-site affordable  
10931 housing units, any building permits required for off-site affordable housing units shall be  
10932 submitted before issuance of building permits or final subdivision approval for the subject  
10933 property. Certificates of occupancy for off-site affordable housing units shall be issued  
10934 before issuance of the final certificate of occupancy for the subject property.

10935           D. If an alternative compliance request is approved that includes payment in lieu of  
10936 constructing affordable housing units, the formula for payments shall be established by  
10937 department of community and human services through a public rule under K.C.C. chapter  
10938 2.98. The formula should be based on the cost to the county to construct and maintain an  
10939 affordable dwelling unit. The payment obligation shall be paid before issuance of any  
10940 building permits or final subdivision approval for the project.

10941           E. As part of the application review process for an inclusionary housing proposal,  
10942 the director may authorize modifications to the dimensional standards in K.C.C. Title 21A.  
10943 Approval of modifications may only be granted if the applicant demonstrates that the subject  
10944 property cannot otherwise reasonably achieve the minimum density.

10945           F.1. As part of the application review process for an inclusionary housing proposal,  
10946 the director may modify or waive the requirements for affordable dwelling units under this  
10947 chapter if the applicant demonstrates that the cost of complying with this chapter would  
10948 deprive the property owner of all economically beneficial use of the property or would  
10949 create severe economic impact that unduly burdens the property owner.

10950           2. Requests for such modifications shall clearly (~~set forth~~) state the facts upon  
10951 which the request for relief is sought.

10952           3. Review of a modification or waiver of the requirements of this subsection F.  
10953 may include the director considering the following factors, at a minimum:

10954           a. The severity of the economic impact caused by the application of the  
10955 requirements of this chapter;

10956           b. A modification under subsection E. of this section is not sufficient to alleviate  
10957 the severity of economic impact caused by the application of the requirements of this  
10958 chapter;

10959           c. The extent to which alternative uses of the property or configurations of the  
10960 proposed development would alleviate the need for the requested waiver or modification;

10961           d. The extent to which any economic impact was due to decisions by the  
10962 applicant or property owner; and

10963           e. Other factors relevant to whether the burden should be borne by the property  
10964 owner.

10965           4. The waiver or modification may be approved only to the extent necessary to  
10966 grant relief from the deprivation of all economically beneficial use of the property or severe  
10967 economic impact.

10968           5. The following factors, on their own, shall not be a sufficient basis for the  
10969 director to grant a waiver or modification for the requirements of this chapter:

10970           a. decrease in property value;

10971           b. inability for a property owner to fully utilize the increase in residential  
10972 development capacity through implementation of this chapter; or



10973 c. the fact that any such increase in residential development capacity, combined  
10974 with the requirements of this chapter, did not leave the property owner in a better financial  
10975 position than would have been the case with no increase in residential development capacity  
10976 and no application of the requirements of this chapter.

10977 SECTION 217. Ordinance 13332, Section 34, as amended, and K.C.C. 27.10.190  
10978 are hereby amended to read as follows:

10979 Preliminary subdivision, short subdivision, (~~urban planned development~~), or  
10980 binding site plan applications shall be charged fees for planning, fire flow and access, site  
10981 engineering, critical area, survey, and state Environmental Policy Act review as follows:

10982	A.	Short plat - urban 2 to 4 lots, simple	\$22,944.00
10983	B.	Short plat - urban 2 to 4 lots, complex	\$26,925.00
10984	C.	Short plat - urban 5 to 9 lots	\$34,036.00
10985	D.	Short plat - rural	\$26,925.00
10986	E.	Subdivision( <del>(urban planned development)</del> ) or binding site plan -	
10987		base fee	\$42,174.00
10988	F.	Subdivision - additional fee per lot	\$142.00
10989	G.	Minor plan revisions before or after preliminary approval	
10990	1.	Short plat	\$2,417.00
10991	2.	Subdivision( <del>(urban planned development)</del> ) or binding site plan	\$6,186.00
10992	H.	Extension of plat approval	\$284.00

10993 SECTION 218. Ordinance 13332, Section 35, as amended, and K.C.C. 27.10.200  
10994 are hereby amended to read as follows:

10995	Final subdivision, short subdivision, ( <del>urban planned development</del> ) binding site	
10996	plan, subdivisional legal description, or title review, approval, and resubmittal shall be	
10997	charged fees as follows:	
10998	A. Final plan review and approval	
10999	1. Short plat - urban 2 to 4 lots, simple	\$7,223.00
11000	2. Short plat - urban 2 to 4 lots, complex	\$10,068.00
11001	3. Short plat - urban 5 to 9 lots	\$15,471.00
11002	4. Short plat - rural	\$10,068.00
11003	5. Subdivision( <del>(<u>;</u>)</del> ) <u>or</u> binding site plan( <del>(<u>;</u> or urban planned</del>	
11004	<del>development)</del> )	\$15,471.00
11005	B. Final plan resubmittal	
11006	1. Short plat - urban 2 to 4 lots, simple	\$996.00
11007	2. Short plat - urban 2 to 4 lots, complex	\$1,421.00
11008	3. Short plat - urban 5 to 9 lots	\$2,845.00
11009	4. Short plat - rural	\$1,421.00
11010	5. Subdivision( <del>(<u>;</u>)</del> ) <u>or</u> binding site plan( <del>(<u>;</u> or urban planned development)</del> )	
11011	\$2,845.00	
11012	C. Alteration after recordation	
11013	1. Short plat - urban 2 to 4 lots, simple	\$4,835.00
11014	2. Short plat - urban 2 to 4 lots, complex	\$6,825.00
11015	3. Short plat - urban 5 to 9 lots	\$10,380.00
11016	4. Short plat - rural	\$6,825.00
11017	5. Subdivision( <del>(<u>;</u>)</del> ) <u>or</u> binding site plan ( <del>(<u>;</u> or urban planned</del>	

11018	development))	\$12,372.00
11019	D. Subdivisional legal description review	
11020	1. 1-50 lots - base fee	\$700.00
11021	2. 1-50 lots - per lot	\$168.00
11022	3. 51-100 lots - base fee	\$9,100.00
11023	4. 51-100 lots - per lot	\$68.00
11024	5. More than 100 lots - base fee	\$12,500.00
11025	6. More than 100 lots - per lot	\$16.00
11026	7. Name change	\$517.00

11027        SECTION 219. Ordinance 16147, Section 2, as amended, and K.C.C. 18.17.010 are  
11028 hereby amended to read as follows:

11029            The definitions in this section apply throughout this chapter unless the context  
11030 clearly requires otherwise.

11031            A. "Alternative green building rating system" means a third-party green building  
11032 certification other than LEED or the King County Sustainable Infrastructure Scorecard. The  
11033 following are accepted alternative green building rating systems, but the executive may also  
11034 accept certification through other rating systems as appropriate:

- 11035            1. Built Green Four-Star, Built Green Five-Star, or Built Green Emerald Star, or  
11036 any combination thereof;
- 11037            2. Envision;
- 11038            3. Evergreen Sustainable Development Standard;
- 11039            4. Fitwel;
- 11040            5. Greenroads;

- 11041 6. Living Building Challenge;
- 11042 7. Passive House;
- 11043 8. Salmon Safe;
- 11044 9. SITES; and
- 11045 10. WELL.
- 11046 B. "Built Green Four-Star," "Built Green Five-Star," and "Built Green Emerald
- 11047 Star" mean a third-party residential green building certification, developed, and administered
- 11048 by the Master Builders Association of King and Snohomish Counties.
- 11049 C. "Capital project" means capital project as defined in K.C.C. 4A.10.100.
- 11050 D. "Energy Star" means the energy certification rating system developed by the
- 11051 United States Environmental Protection Agency that focuses on energy efficiency.
- 11052 E. "Envision" means a voluntary sustainable infrastructure rating system
- 11053 administered by the Institute for Sustainable Infrastructure and developed by the Harvard
- 11054 University Graduate School of Design, American Public Works Association, American
- 11055 Society of Civil Engineers, and the American Council of Engineering Companies for
- 11056 assessing sustainability and resilience in infrastructure.
- 11057 F. "Equity" means equity as defined in K.C.C. 2.10.210.
- 11058 G. "Equity and social justice credits" means credits awarded through the Sustainable
- 11059 Infrastructure Scorecard for actions that identify and account for equity and social justice
- 11060 practices and outcomes throughout the capital project development lifecycle. The credits
- 11061 recognize project team efforts to advance process, distributional and cross-generational
- 11062 equity.
- 11063 H. "Evergreen Sustainable Development Standard" means a sustainable building

11064 program for affordable housing projects that receive housing trust funds, administered by  
11065 the Washington state Department of Commerce according to RCW 39.35D.080.

11066 I. "Facility" means all or any portion of buildings, structures, infrastructure, sites,  
11067 complexes, equipment, utilities, and conveyance lines.

11068 J. "Fitwel" means a third-party green building rating system administered by the  
11069 Center for Active Design that provides a standard that supports health-promoting strategies  
11070 in the built environment.

11071 K. "Green building team" means a group that includes representatives from county  
11072 agencies with capital project or building management staff including, but not limited to, the  
11073 Metro transit department, the department of natural resources and parks, the department of  
11074 executive services, the department of local services, permitting and road services divisions,  
11075 the department of public health, the historic preservation program, and the department of  
11076 community and human services. The members represent staff with expertise in project  
11077 management, construction management, architecture, landscape architecture, environmental  
11078 planning, design, engineering, historic preservation and resource conservation, public health,  
11079 building energy systems, building management, budget analysis, equity and social justice,  
11080 procurement, and other skills as needed. The green building team provides assistance and  
11081 helps to disseminate information to project managers in all county agencies.

11082 L. "Greenroads" means the third-party green building rating system administered by  
11083 the Greenroads International nonprofit organization to measure and manage sustainability  
11084 on transportation projects.

11085 M. "GreenTools program" means the support team located within the solid waste  
11086 division of the department of natural resources and parks that provides green building

11087 technical assistance to county divisions, cities, and the general public within the county.

11088 N. "Integrative process" means an approach to project design that seeks to achieve  
11089 high performance on a wide variety of well-defined environmental and social goals while  
11090 staying within budgetary and scheduling constraints. It relies on a multidisciplinary and  
11091 collaborative team whose members make decisions together based on a shared vision and a  
11092 holistic understanding of the project. It is an iterative process that follows the design  
11093 through the entire project life, from predesign through operation.

11094 O. "Leadership in Energy and Environmental Design" or "LEED" means a  
11095 voluntary, consensus-based national standard for developing high-performance, sustainable  
11096 buildings, created by the United States Green Building Council.

11097 P. "LEED-eligible building" means any new construction or major remodel or  
11098 renovation capital project with one thousand gross square feet or more of new, remodeled,  
11099 or renovated floor area that is occupied or conditioned and that meets the minimum program  
11100 requirements for LEED certifications.

11101 Q. "Living Building Challenge" means a voluntary green building rating system  
11102 administered by the International Living Future Institute. The certification options are Full  
11103 Living, Petal, CORE, Zero Energy, and Zero Carbon.

11104 R. "Major remodel or renovation" means work that demolishes space down to the  
11105 shell structure and rebuilds it with new interior walls, ceilings, floor coverings, and systems,  
11106 when the work affects more than twenty-five percent of a building's square footage and the  
11107 affected space is one thousand square feet or larger.

11108 S. "Minor remodel or renovation" means any type of remodel or renovation that  
11109 does not qualify as a major remodel or renovation.

11110 T. "New construction" means a new building or structure.

11111 U. "Passive House" means a voluntary passive building energy standard  
11112 certification program through either the PHIUS+ certification administered by Passive  
11113 House Institute United States or the Passive House certification administered by Passive  
11114 House Institute.

11115 V. "Regional code collaboration" means interested jurisdictions across the Puget  
11116 Sound region working together to develop building, energy, fire, residential, plumbing,  
11117 mechanical, and zoning codes supporting the advancement of green building practices.

11118 W. "Retrocommissioning" means a detailed, systematic process for investigating an  
11119 existing building's operations and identifying ways to improve performance. The primary  
11120 focus is to identify operational improvements to obtain comfort and energy savings.

11121 X. "Salmon Safe" means a voluntary peer-reviewed certification program, linking  
11122 site development land management practices with the protection of agricultural and urban  
11123 watersheds, founded by the Stewardship Partners.

11124 Y. "SITES" means a voluntary sustainability-focused framework program  
11125 administered by the Sustainable SITES Initiative and developed by the American Society of  
11126 Landscape Architects, the Lady Bird Johnson Wildflower Center, and the United States  
11127 Botanical Garden.

11128 Z. "Social cost of carbon" means social cost of carbon as defined in K.C.C.  
11129 18.20.015.

11130 AA. "Social justice" means social justice as defined in K.C.C. 2.10.210.

11131 ~~((AA.))~~ BB. "Strategic Climate Action Plan" means the King County Strategic  
11132 Climate Action Plan adopted by Motion 15866, or any subsequent Strategic Climate Action

11133 Plan developed under K.C.C. chapter 18.25 and adopted by the council.

11134 ~~((BB-))~~ CC. "Sustainable development practices" are also known as green building  
11135 and means whole system approaches to the design, construction and operation of buildings  
11136 and infrastructure that help to mitigate the negative environmental, economic, health, and  
11137 social impacts of construction, demolition, operation, and renovation while maximizing the  
11138 facilities' positive fiscal, environmental, health, and functional contribution. Sustainable  
11139 development practices recognize the relationship between natural and built environments  
11140 and seek to minimize the use of energy, water, and other natural resources while providing  
11141 maximum benefits and contribution to service levels to the system and the connecting  
11142 infrastructures.

11143 ~~((CC-))~~ DD. "Sustainable Infrastructure Scorecard" means a green building and  
11144 sustainable development rating system developed by the green building team for capital  
11145 projects that are not eligible for the LEED rating system.

11146 ~~((DD-))~~ EE. "Transit-oriented development" means a capital project on King  
11147 County-owned property that includes the development of housing, commercial space,  
11148 services, or job opportunities in direct proximity to frequent public transportation and that is  
11149 wholly or partially planned or wholly or partially financed by the Metro transit department.

11150 ~~((EE-))~~ FF. "WELL" means a third-party green building rating system administered  
11151 by the International WELL Building Institute's collaboration with Green Business  
11152 Certification, Inc.

11153 SECTION 220. Ordinance 19402, Section 8, and K.C.C. 18.17.050 are hereby  
11154 amended to read as follows:

11155 A. Capital projects shall be subject to the following applicable green building



11156 standards and corresponding requirements; capital projects shall register with the applicable  
11157 third-party rating system and achieve the appropriate certification. Small, related capital  
11158 projects that are part of a program may be certified as a program rather than at the  
11159 individual-project level:

11160           1. Affordable housing capital projects subject to RCW 39.35D.080 that receive  
11161 moneys from the King County Department of Community and Human Services or that are  
11162 part of transit-oriented development shall achieve either Evergreen Sustainable  
11163 Development Standard requirements or an applicable alternative green building rating  
11164 system certification, or both;

11165           2. Buildings owned or lease-to-own by King County, excluding those to which  
11166 subsection A.1. of this section applies, shall achieve certification levels as follows:

11167           a. New construction of a LEED-eligible building shall achieve either LEED  
11168 platinum certification or the Living Building Challenge certification, or both; and

11169           b. A major remodel or renovation of a LEED-eligible building shall achieve  
11170 either LEED gold certification or the Living Building Challenge certification, or both; and

11171           3. Capital projects owned or lease-to-own by King County that are not subject to  
11172 subsection A.1. or 2. of this section shall either achieve a platinum rating according to a  
11173 King County or division-specific Sustainable Infrastructure Scorecard or achieve  
11174 certification through an applicable alternative green building rating system, or both.

11175           B. All capital projects to which subsection A. of this section applies:

11176           1. Shall meet King County Surface Water Design Manual requirements, regardless  
11177 of jurisdiction location. If a project is located in a jurisdiction where the surface water  
11178 design manual standards and requirements are different than King County's, the project shall

11179 implement the more stringent requirement;

11180           2. Shall achieve a minimum diversion rate of eighty percent for construction and  
11181 demolition materials, achieve an eighty-five percent diversion rate beginning in 2025 and  
11182 shall achieve zero waste of resources with economic value beginning in 2030;

11183           3. Shall achieve applicable King County equity and social justice credits for capital  
11184 projects regardless of the rating system used; ~~((and))~~

11185           4. Should use the practice of integrative process to maximize green building,  
11186 sustainable development, community benefit, and financial investment opportunities over  
11187 the life of the asset; and

11188           5. Should use the social cost of carbon in life-cycle assessments and decision  
11189 making related to facility construction and resource efficiency projects.

11190           C.1. For leases by a King County agency for King County operations at non-King-  
11191 County-owned facilities, the agency shall seek to incorporate the latest green building and  
11192 sustainable development practices in the county-occupied space.

11193           2. For new leases of King County-employee-occupied-space of longer than five  
11194 years, including lease-to-own projects, King County shall lease buildings that are certified  
11195 through the LEED rating system at silver level or higher, are Energy Star Certified, or are  
11196 certified through an alternative green building rating system, but only when those ratings are  
11197 consistent with the operational needs of the function. Buildings that do not meet these  
11198 standards can be leased by the county if plans and financing are in place at the time of  
11199 signing that will enable the building to meet this standard within twenty-four months of  
11200 lease signing.

11201           D. As part of the county's green building program, the county shall preserve and

11202 restore the historic landmarks and properties eligible for landmark designation that are  
11203 owned by the county, except in cases where a certificate of appropriateness is granted by the  
11204 King County landmarks commission.

11205 SECTION 221. Ordinance 16650, Section 1, as amended, and K.C.C. 21A.55.101  
11206 are hereby amended to read as follows:

11207 A.1. The purpose of the sustainable communities and housing demonstration  
11208 projects is to provide affordable housing and workforce housing integrated into  
11209 developments containing market rate housing and maximize sustainable development,  
11210 which includes: bike, pedestrian, and transit connections; a mix of housing types;  
11211 and the use of recyclable materials. The demonstration projects will provide information on  
11212 the application of these techniques to urban infill redevelopment and urban single family  
11213 residential development, some of which may include mixed use. The demonstration  
11214 projects will also assist the county in refining regulations relating to zoning, subdivision,  
11215 roads, and stormwater as they relate to sustainable development.

11216 2. The demonstration projects will also enable the county to evaluate whether  
11217 consolidated administrative approval of zoning and subdivision-related modifications or  
11218 waivers and any subsequent hearings, if required, effectively speeds the development review  
11219 process while maintaining land use coordination and environmental protection and whether  
11220 that leads to administrative costs savings for project applicants and King County.

11221 B. The expected benefits from the demonstration projects include: the use of  
11222 innovative design and development techniques to promote sustainable communities,  
11223 reduced impervious surface areas for site infrastructure; a greater use of recycled-content  
11224 building materials and more efficient use of energy and natural resources; and the

11225 opportunity to identify and evaluate potential substantive changes to land use development  
11226 regulations that support the development of sustainable and affordable housing.

11227 C. A request by the applicant to modify or waive development standards for the  
11228 development proposals shall be evaluated by the department of local services, permitting  
11229 division, based on the criteria in subsection J. of this section. A request shall first be either  
11230 approved or denied administratively and may be further reviewed as described in subsection  
11231 H.3. of this section. Approval or denial of the proposed modification or waiver shall not be  
11232 construed as applying to any other development application either within the demonstration  
11233 project area or elsewhere in the county.

11234 D. A modification or waiver approved by the department of local services,  
11235 permitting division, in accordance with this section shall be in addition to those  
11236 modifications or waivers that are currently allowed by this title. The proposed modifications  
11237 or waivers to development regulations that may be considered regarding sustainable  
11238 communities and housing demonstration projects shall include only the following chapters  
11239 and related public rules:

11240 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water  
11241 Design Manual;

11242 2. King County road standards: K.C.C. chapter 14.42 and the county road  
11243 standards(~~(, 2007 update)~~);

11244 3. Density and dimensions: K.C.C. chapter 21A.12;

11245 4. Design requirements: K.C.C. chapter 21A.14;

11246 5. Landscaping and water use: K.C.C. chapter 21A.16;

11247 6. Parking and circulation: K.C.C. chapter 21A.18;

11248 7. Signs: K.C.C. chapter 21A.20;

11249 8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net

11250 improvement to the functions of the critical area; and

11251 9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

11252 E. A demonstration project authorized by this section may contain residential and

11253 limited nonresidential uses subject to the following:

11254 1. The demonstration project may include any residential uses as allowed as a

11255 permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C.

11256 21A.08.030, without the need to request a modification or waiver as described in subsection

11257 H. of this section. The applicant may request a modification or waiver of any of the

11258 development conditions for residential uses contained in K.C.C. 21A.08.030, subject to the

11259 review process described in subsection H. of this section and the criteria in subsection J. of

11260 this section;

11261 2. The demonstration project may include, as part of a residential project, any

11262 nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030,

11263 21A.08.040, 21A.08.050, 21A.08.060, and 21A.08.070, subject to any development

11264 conditions contained in those sections without the need to request a modification or waiver

11265 as described in subsection H. of this section, except the following uses are not allowed:

11266 a. automotive parking;

11267 b. automotive repair(~~and~~);

11268 c. automotive service(~~(, K.C.C. 21A.08.050)~~);

11269 ~~((e.))~~ d. commuter parking lot, (~~(K.C.C. 21A.08.060,)~~) unless as part of a transit-

11270 oriented development. For the purposes of this subsection (~~(E.2.e.)~~) E.2.d., "transit-oriented

11271 development" means a development that is designated as a transit-oriented development in  
11272 an agreement with the county and that includes the construction of new housing units at or  
11273 within one quarter mile of a county transit center or park and ride lot;

11274 ~~((d.))~~ e. gasoline service stations~~((as defined in K.C.C. 21A.08.070))~~;

11275 ~~((e.))~~ f. off-street required parking lot;

11276 g. commercial and industrial accessory uses;

11277 ~~((f.))~~ h. private stormwater management facility;

11278 ~~((g.))~~ i. self-service storage; and

11279 ~~((h.))~~ j. vector waste receiving facility.

11280 3. The nonresidential uses shall be no greater than three thousand square feet per  
11281 use, with a total maximum of all nonresidential uses not to exceed ten percent of the area of  
11282 the demonstration project site or twenty thousand square feet, whichever is smaller. The  
11283 applicant may request a modification or waiver of the development conditions for  
11284 nonresidential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050, 21A.08.060, and  
11285 21A.08.070, subject to the review process described in subsection H. of this section and the  
11286 criteria in subsection J. of this section.

11287 F. A demonstration project authorized by this section allows a residential basics  
11288 program for townhouse and apartment building types, consistent with the department of  
11289 local services public rules chapter 16-04: residential basics program.

11290 G. All related review processes such as subdivision, building permit, inspection and  
11291 similar processes for a demonstration project shall be expedited if:

11292 1. Fifty percent or more of all residential units proposed for the demonstration  
11293 project are affordable to households at eighty percent of area median income, as defined by

11294 Department of Housing and Urban Development income guidelines for King County and  
11295 below; or

11296 2. Seventy percent or more of all residential units for the demonstration project are  
11297 affordable to households at eighty to one hundred fifteen percent of area median income, as  
11298 defined by Department of Housing and Urban Development income guidelines for King  
11299 County.

11300 H.1. Requests for a modification or waiver made in accordance with this section  
11301 may only be submitted in writing in relation to the following types of applications:

11302 a. a site development permit;

11303 b. a binding site plan;

11304 c. a building permit;

11305 d. a short subdivision; or

11306 e. a subdivision.

11307 2. Requests shall be submitted to the department in writing before or in  
11308 conjunction with an application for one or more of the permits listed in subsection H.1. of  
11309 this section, together with any supporting documentation. The supporting documentation  
11310 must illustrate how the proposed modification meets the criteria in subsection J. of this  
11311 section.

11312 3. Except for an applicant's request for a modification or waiver submitted in  
11313 conjunction with an application for a subdivision, the notice of application, review and  
11314 approval of a proposed modification or waiver shall be treated as a Type 2 land use decision  
11315 in accordance with K.C.C. 20.20.020. The request for a modification or waiver submitted in  
11316 conjunction with an application for a subdivision shall be treated as a Type 3 land use

11317 decision in accordance with K.C.C. 20.20.020.

11318           4. A preapplication meeting with the applicant and the department of local  
11319 services, permitting division, to determine the need for and the likely scope of a proposed  
11320 modification or waiver is required before submittal of such a request. If a modification or  
11321 waiver requires approval of the department of natural resources and parks or the department  
11322 of local services, road services division, that department or division shall be invited to  
11323 participate in the preapplication meeting.

11324           5. If the applicant requests an adjustment from the county drainage standards, the  
11325 director shall refer the request to the department of natural resources and parks for decision  
11326 under K.C.C. chapter 9.04, with the right to appeal within the department of natural  
11327 resources and parks as provided in K.C.C. 9.04.050.C.6. The department of natural  
11328 resources and parks shall consider the purposes of this demonstration ordinance as a factor  
11329 relative to the public interest requirement for drainage adjustments described in  
11330 K.C.C.9.04.050.C.

11331           6. If the applicant requests a variance from the county road standards, the director  
11332 shall refer the request to the county road engineer for decision under K.C.C. 14.42.060, with  
11333 the right to appeal within the department of local services, road services division, as  
11334 provided in K.C.C. 14.42.060 and the associated public rule. The department of local  
11335 services, road services division, shall consider the purposes of this demonstration ordinance  
11336 as a factor relative to the public interest requirement for road variances described in K.C.C.  
11337 14.42.060.

11338           7. Administrative appeals of modifications or waivers approved by the director  
11339 shall be combined with any appeal of the underlying permit decision, if the underlying



11340 permit is subject to appeal.

11341 I. An approved development proposal for any of the applications listed in subsection  
11342 H.1. of this section, including site plan elements or conditions of approval may be amended  
11343 or modified at the request of the applicant or the applicant's successor in interest designated  
11344 by the applicant in writing. The director may administratively approve minor modifications  
11345 to an approved development proposal. Modifications that result in major changes as  
11346 determined by the department or as defined by the approval conditions shall be treated as a  
11347 new application for purposes of vesting and shall be reviewed as applicable to the  
11348 underlying application pursuant to K.C.C. 20.20.020. Any increase in the total number of  
11349 dwelling units above the maximum number set forth in the development proposal permit or  
11350 approval shall be deemed a major modification. The county, through the applicable  
11351 development proposal permit or approval conditions, may specify additional criteria for  
11352 determining whether proposed modifications are major or minor. The modifications  
11353 allowed under this section supersede other modification or revision provisions of K.C.C.  
11354 Title 16 and Title 19A and this title.

11355 J.1. To be eligible to use the provisions of this section, a demonstration project must  
11356 be located on a demonstration project site identified in Attachment A or Attachment B to  
11357 Ordinance 16650((~~Section 2~~)) and the applicant has accepted the site as a King County  
11358 sustainable communities and housing demonstration project.

11359 2. Proposals to modify or waive development regulations for a development  
11360 application must be consistent with general health, safety, and public welfare standards, and  
11361 must not violate state or federal law.

11362 3.a. Applications must demonstrate how the proposed project, when considered as

11363 a whole with the proposed modifications or waivers to the code, will meet all of the criteria  
11364 in this subsection J., as compared to development without the modification or waiver, and:

11365 (1) achieves higher quality urban development;

11366 (2) provides quality infill development;

11367 (3) optimizes site utilization; and

11368 (4) enhances pedestrian experiences and sense of place and community.

11369 b. Any individual request for a modification or waiver must meet two or more of  
11370 the following criteria:

11371 (1) contributes to the creation of a sustainable community, which includes  
11372 features such as a connected street network, a mix of housing types, pedestrian or bike  
11373 routes throughout the development, direct bus connections, no front garages, and front  
11374 porches.

11375 (2) uses the natural site characteristics to protect the natural systems;

11376 (3)(a) contributes to achievement of a three-star rating for the project site under  
11377 the Built Green Communities program administered by the Master Builders Association of  
11378 King and Snohomish Counties;

11379 (b) contributes to achievement of a four-star or higher rating for the single  
11380 family units under the Built Green program administered by the Master Builders  
11381 Association of King and Snohomish Counties or achieve a gold certification under the U.S.  
11382 Green Building Council, LEED program, or equivalent program; or

11383 (c) contributes to achievement of a four-star or higher rating for the  
11384 multifamily units under the Built Green program administered by the Master Builders  
11385 Association of King and Snohomish Counties or achieve a gold certification under the U.S.

11386 Green Building Council, LEED program, or other equivalent program; and  
11387 (4) provides attractive, well-designed development that will assist in improving  
11388 safety and preventing crime in the development and surrounding area, including: adequate  
11389 outdoor lighting along walkways~~((/))~~ and trails~~((;))~~; walkways~~((/))~~ and trails ~~((;))~~ five feet  
11390 or wider; and low vegetation along walkways~~((/))~~ and trails.

11391 4. The criteria in this subsection supersede other variance, modification or waiver  
11392 criteria and provisions of K.C.C. Title 21A.

11393 K. Regulatory modification and waiver applications, or both, authorized by this  
11394 section shall be filed with the department of local services, permitting division, within three  
11395 years of the approval of the development proposal, which includes issuance of a building  
11396 permit or site development permit, recording of a plat, short plat or binding site plan, or by  
11397 such a later date as may be specified in the conditions of any development approval for any  
11398 type of modification or waiver for which the opportunity for future application is expressly  
11399 granted in those conditions. Modifications or waivers contained within an approved  
11400 development proposal are valid as long as the underlying permit or development application  
11401 approval is valid. If modifications or waivers are approved as separate applications, they  
11402 must be incorporated into a valid permit or development application within three years of  
11403 approval of the development proposal. The director may extend the date for filing the  
11404 demonstration project permit and development applications for a maximum of twelve  
11405 months. Any deadline in this subsection shall be adjusted to include the time for appeal of  
11406 all or any portion of the project approval.

11407 SECTION 222. The following are hereby repealed:

11408 A. Ordinance 14050, Section 17, and K.C.C. 14.70.300;

- 11409 B. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150;
- 11410 C. Ordinance 16267, Section 6, and K.C.C. 16.82.151;
- 11411 D. Ordinance 15053, Section 15, as amended, and K.C.C. 16.82.152;
- 11412 E. Ordinance 15053, Section 16, and K.C.C. 16.82.154;
- 11413 F. Ordinance 18810, Section 6, and K.C.C. 20.08.175;
- 11414 G. Ordinance 1096, Sections 1 and 2, as amended, and K.C.C. 20.12.090;
- 11415 H. Ordinance 8279, Section 1, as amended, and K.C.C. 20.12.150;
- 11416 I. Ordinance 11620, Section 18, and K.C.C. 20.12.433;
- 11417 J. Ordinance 11620, Section 19, and K.C.C. 20.12.435;
- 11418 K. Ordinance 8380, Section 1, and K.C.C. 20.14.010;
- 11419 L. Ordinance 8380, Appendix A;
- 11420 M. Ordinance 8380, Appendix B;
- 11421 N. Ordinance 10238, Section 1, as amended, and K.C.C. 20.14.020;
- 11422 O. Ordinance 10293, Attachment A, as amended;
- 11423 P. Ordinance 10293, Sections 1, 2, 6, 7, and 9, as amended, and K.C.C. 20.14.025;
- 11424 Q. Ordinance 10293, Attachment A, as amended;
- 11425 R. Ordinance 10513, Section 1, as amended, and K.C.C. 20.14.030;
- 11426 S. Ordinance 10513, Attachment A, as amended;
- 11427 T. Ordinance 11087, Section 1, as amended, and K.C.C. 20.14.040;
- 11428 U. Ordinance 11087, Attachment A, as amended;
- 11429 V. Ordinance 11111, Section 1, as amended, and K.C.C. 20.14.050;
- 11430 W. Ordinance 11111, Attachment A, as amended;
- 11431 X. Ordinance 11886, Sections 1 and 4, as amended, and K.C.C. 20.14.060;

- 11432 Y. Ordinance 11886, Attachment A, as amended;
- 11433 Z. Ordinance 12809, Section 1, as amended, and K.C.C. 20.14.070;
- 11434 AA. Ordinance 12809, Attachment A, as amended;
- 11435 BB. Ordinance 14091, Section 1, and K.C.C. 20.14.080;
- 11436 CC. Ordinance 14091, Attachment A;
- 11437 DD. Ordinance 12171, Section 3, and K.C.C. 21A.06.533;
- 11438 EE. Ordinance 10870, Section 196, and K.C.C. 21A.06.780;
- 11439 FF. Ordinance 10870, Section 308, and K.C.C. 21A.06.1340;
- 11440 GG. Ordinance 10870, Section 550, and K.C.C. 21A.32.130;
- 11441 HH. Ordinance 10870, Section 140, and K.C.C. 21A.32.140;
- 11442 II. Ordinance 10870, Section 560, and K.C.C. 21A.34.010;
- 11443 JJ. Ordinance 10870, Section 561, and K.C.C. 21A.34.020;
- 11444 KK. Ordinance 10870, Section 562, as amended, and K.C.C. 21A.34.030;
- 11445 LL. Ordinance 10870, Section 563, as amended, and K.C.C. 21A.34.040;
- 11446 MM. Ordinance 10870, Section 564, as amended, and K.C.C. 21A.34.050;
- 11447 NN. Ordinance 10870, Section 565, as amended, and K.C.C. 21A.34.060;
- 11448 OO. Ordinance 10870, Section 566, and K.C.C. 21A.34.070;
- 11449 PP. Ordinance 10870, Section 567, and K.C.C. 21A.34.080;
- 11450 QQ. Ordinance 16267, Section 68, as amended, and K.C.C. 21A.37.055;
- 11451 RR. Ordinance 10870, Section 581, as amended, and K.C.C. 21A.38.080;
- 11452 SS. Ordinance 18623, Section 9, and K.C.C. 21A.38.270;
- 11453 TT. Ordinance 10870, Section 582, and K.C.C. 21A.39.010;
- 11454 UU. Ordinance 10870, Section 583, as amended, and K.C.C. 21A.39.020;

11455 VV. Ordinance 10870, Section 584, as amended, and K.C.C. 21A.39.030;  
11456 WW. Ordinance 10870, Section 585, and K.C.C. 21A.39.040;  
11457 XX. Ordinance 10870, Section 586, as amended, and K.C.C. 21A.39.050;  
11458 YY. Ordinance 10870, Section 587, and K.C.C. 21A.39.060;  
11459 ZZ. Ordinance 10870, Section 588, and K.C.C. 21A.39.070;  
11460 AAA. Ordinance 10870, Section 589, and K.C.C. 21A.39.080;  
11461 BBB. Ordinance 10870, Section 590, and K.C.C. 21A.39.090;  
11462 CCC. Ordinance 10870, Section 591, and K.C.C. 21A.39.100;  
11463 DDD. Ordinance 10870, Section 592, and K.C.C. 21A.39.110;  
11464 EEE. Ordinance 10870, Section 593, and K.C.C. 21A.39.120;  
11465 FFF. Ordinance 10870, Section 594, and K.C.C. 21A.39.130;  
11466 GGG. Ordinance 12171, Section 8, and K.C.C. 21A.39.200;  
11467 HHH. Ordinance 10870, Section 628, and K.C.C. 21A.44.070;  
11468 III. Ordinance 12171, Section 9, and K.C.C. 21A.44.080;  
11469 JJJ. Ordinance 14662, Section 1, as amended, and K.C.C. 21A.55.060;  
11470 KKK. Ordinance 17877, Section 1;  
11471 LLL. Ordinance 17877, Section 2;  
11472 MMM. Ordinance 17877, Section 3;  
11473 NNN. Ordinance 17878, Section 1;  
11474 OOO. Ordinance 17878, Section 2;  
11475 PPP. Ordinance 17878, Section 3; and  
11476 QQQ. Ordinance 16650, Attachment B.

11477            SECTION 223. The executive shall submit sections 30, 31, 136, 137, 138, 141,  
11478 143, 144, 145, 146, and 147 of this ordinance and amendments to King County  
11479 Comprehensive Plan chapter six in Attachment A to this ordinance to the state  
11480 Department of Ecology for its approval, as provided in RCW 90.58.090.

11481            SECTION 224. Sections 30, 31, 136, 137, 138, 141, 143, 144, 145, 146, and 147  
11482 of this ordinance and amendments to King County Comprehensive Plan chapter six in  
11483 Attachment A to this ordinance take effect within the shoreline jurisdiction fourteen days  
11484 after the state Department of Ecology provides written notice of final action stating that  
11485 the proposal is approved, in accordance with RCW 90.58.090. The executive shall  
11486 provide the written notice of final action to the clerk of the council.

11487            SECTION 225. The executive is authorized to submit an application to the  
11488 Growth Management Planning Council to designate the Skyway and White Center  
11489 Unincorporated Activity Centers as countywide centers, as provided in Appendix 6 to the  
11490 2021 King County Countywide Planning Policies.

11491            SECTION 226. Severability. If any provision of this ordinance or its application  
11492 to any person or circumstance is held invalid, the remainder of the ordinance or the  
11493 application of the provision to other persons or circumstances is not affected.