



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

Local Services and Land Use Committee

Councilmembers:
Sarah Perry, Chair;
Girmay Zahilay, Vice-Chair;
Reagan Dunn, Teresa Mosqueda

Lead Staff: Terra Rose (206-477-4354)
Committee Clerk: Gabbi Williams (206-477-7470)

9:30 AM

Wednesday, July 17, 2024

Hybrid Meeting

Hybrid Meetings: Attend King County Council committee meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide comment remotely are listed below.

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

HOW TO PROVIDE PUBLIC COMMENT: The Local Services and Land Use Committee values community input and looks forward to hearing from you on agenda items.

There are three ways to provide public comment:

1. In person: You may attend the meeting and provide comment in the Council Chambers.
2. By email: You may comment in writing on current agenda items by submitting your email comments to kcccomitt@kingcounty.gov. If your email is received before 8:00 a.m. on the day of the meeting, your email comments will be distributed to the committee members and appropriate staff prior to the meeting.
3. Remote attendance at the meeting by phone or computer: You may provide oral comment on current agenda items during the meeting's public comment period by connecting to the meeting via phone or computer using the ZOOM application at <https://zoom.us/join> and entering the Webinar ID number below.

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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You are not required to sign up in advance. Comments are limited to current agenda items.

You have the right to language access services at no cost to you. To request these services, please contact Language Access Coordinator, Tera Chea at (206) 477-9259 or email Tera.chea2@kingcounty.gov by 8:00 a.m. no fewer than three business days prior to the meeting.

CONNECTING TO THE WEBINAR

Webinar ID: 875 1751 7363



If you do not have access to the ZOOM application, you can connect to the meeting by calling 1-253-215-8782 and using the Webinar ID.

HOW TO WATCH/LISTEN TO THE MEETING REMOTELY: There are three ways to watch or listen to the meeting:

- 1) Stream online via this link www.kingcounty.gov/kctv or input the link web address into your web browser.
- 2) Watch King County TV on Comcast Channel 22 and 322(HD) and Astound Broadband Channels 22 and 711(HD).
- 3) Listen to the meeting by telephone.
Dial: 1-253-215-8782
Webinar ID: 875 1751 7363

To show a PDF of the written materials for an agenda item, click on the agenda item below.

1. Call to Order
2. Roll Call
3. Approval of Minutes p. 5
July 3, 2024 meeting minutes
4. Public Comment

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711. Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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Discussion and Possible Action

5. [Proposed Motion No. 2024-0166](#) p. 8

A MOTION requesting the King County executive to evaluate strategies to improve traffic safety along county-maintained roads and roadway segments in and around the Fairwood community of unincorporated King County and to prepare a report.

Sponsors: Dunn

Nick Bowman, Council staff

6. [Proposed Ordinance No. 2023-0263](#) p. 21

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

Sponsors: Perry

Jake Tracy, Council staff

Briefing

7. [Briefing No. 2024-B0088](#) p. 213 (no materials)

Winery, Brewery, Distillery Legislation and Enforcement

Erin Auzins, Council staff

Robin Proebsting, Government Relations Administrator, Department of Local Services

Danielle de Clercq, Deputy Director, Department of Local Services



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8. [Briefing No. 2024-B0087](#) p. 214 (no materials)

Affordable Housing Panel

Adam Weinstein, Director of Planning & Building, City of Kirkland

Morgan Brown, President, Whole Water

Carol Helland, Director of Planning, City of Redmond

Lindsay Masters, Executive Director, A Regional Coalition for Housing (ARCH)

Barbara Rodgers, VP of Forward Planning, Connor Homes - Master Builders Association of King & Snohomish (MBAKS) member

Patience Malaba, Executive Director, Housing Development Consortium

Heidi Turner, Chief Intangible Asset, Blanton Turner

Additional panelists may be added.

Other Business

Adjournment



Sign language and interpreter services can be arranged given sufficient notice (206-848-0355).
TTY Number - TTY 711.
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King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Minutes Local Services and Land Use Committee

Councilmembers:
Sarah Perry, Chair;
Girmay Zahilay, Vice-Chair;
Reagan Dunn, Teresa Mosqueda

Lead Staff: *Terra Rose (206-477-4354)*
Committee Clerk: *Gabbi Williams (206-477-7470)*

9:30 AM

Wednesday, July 3, 2024

Hybrid Meeting

DRAFT MINUTES

1. **Call to Order**

Chair Perry called the meeting to order at 9:30 a.m.

2. **Roll Call**

Present: 4 - Dunn, Mosqueda, Perry and Zahilay

3. **Approval of Minutes**

Councilmember Zahilay moved approval of the minutes of the June 5, 2024 meeting. Seeing no objections, the minutes were approved.

4. **Public Comment**

There were no individuals present to provide public comment.

Consent

5. **[Proposed Motion No. 2024-0041](#)**

A MOTION confirming the executive's appointment of Thomas Amorose, who resides in council district eight, to the King County rural forest commission.

This matter was expedited to the July 9, 2024 Council agenda.

A motion was made by Councilmember Zahilay that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Dunn, Mosqueda, Perry and Zahilay

Briefing

6. [Briefing No. 2024-B0076](#)

Presentation from the WSU Ruckelshaus Center on Pathways to Housing Security Report Recommendations

Phyllis Shulman, Senior Facilitator, William D. Ruckelshaus Center, Jed Chalupa, Lead Facilitator, William D. Ruckelshaus Center, and Bridget Kelly, Burke Kelly Consulting, briefed the committee via a PowerPoint presentation and answered questions from the members.

This matter was Presented

Discussion and Possible Action

7. [Proposed Ordinance No. 2024-0077](#)

AN ORDINANCE authorizing the King County executive to enter into an interlocal agreement with the town of Beaux Arts Village to provide landmark designation and protection services.

Gene Paul, Council staff, briefed the committee.

Councilmember Zahilay moved Amendment 1. The Amendment was adopted.

This matter was expedited to the July 9, 2024 Council agenda.

A motion was made by Councilmember Zahilay that this Ordinance be Recommended Do Pass Substitute Consent. The motion carried by the following vote:

Yes: 4 - Dunn, Mosqueda, Perry and Zahilay

8. [Proposed Motion No. 2024-0103](#)

A MOTION accepting the Interagency Coordination Report, as required in Ordinance 19592, Section 10.

Gene Paul, Council staff, briefed the committee and answered questions from the members. Brendan Mccluskey, Director, King County Office of Emergency Management, also addressed the committee and answered questions from the members.

This matter was expedited to the July 9, 2024 Council agenda.

A motion was made by Councilmember Zahilay that this Motion be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Dunn, Mosqueda, Perry and Zahilay

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 11:04 a.m.

Approved this _____ day of _____

Clerk's Signature



King County

**Metropolitan King County Council
Local Services and Land Use Committee**

STAFF REPORT

Agenda Item:	5	Name:	Nick Bowman
Proposed No.:	2024-0166	Date:	July 17, 2024

SUBJECT

Requesting the Executive to evaluate strategies to improve traffic safety along county-maintained roads in and around the Fairwood community of unincorporated King County and prepare a report.

SUMMARY

Proposed Motion 2024-0166 would request that the Executive address the recent increase in traffic related injuries and fatalities in the unincorporated community of Fairwood, particularly along 140th Ave SE, by evaluating all available strategies to improve traffic safety in the area. Strategies to be evaluated include utilizing traffic enforcement cameras at high-risk locations, constructing traffic calming capital improvements and other appropriate roadway safety countermeasures, and coordinating emphasis patrols by law enforcement officers.

The proposed motion asks the Executive to prepare a report that lists the roadways and roadway segments in the Fairwood community that should be prioritized for improvement, describes traffic safety strategies and projects that will be developed, and assesses staff and resource needs necessary to implement the identified strategies and projects. The report should be submitted to the Council by August 30, 2024.

BACKGROUND

In recent years, traffic fatalities and serious injuries have been increasing at significant rates across the state and in King County. According to the Harborview Injury Prevention and Research Center at the University of Washington, there were 810 traffic deaths in Washington state in 2023, a 10% increase since 2022, and the largest number of traffic deaths in the state since 1990.¹ In King County, the Washington State Traffic Safety Commission reports that there were 167 traffic deaths involving motor vehicles in 2023; a 9% increase since 2022 and twice the number of fatalities recorded in 2014.²

¹ Harborview Injury Prevention & Research Center, University of Washington, Washington Traffic Deaths Reach 33-Year High, May 14, 2024 ([link](#))

² Washington Traffic Safety Commission Data Dashboard ([link](#))

Speeding has often been a major cause of traffic crashes, particularly in those crashes resulting in injury or death. Washington State Traffic Safety Commission data shows that speeding was a contributing factor in 245 out of 542 (31%) traffic fatalities in King County between 2018 and 2023. In March of this year, a crash at the intersection of SE 192nd St and 140th Ave SE in the Fairwood community by a vehicle reportedly traveling at speeds in excess of one hundred twelve miles per hour took the lives of a mother and three children, and seriously injured two more children.

Multiple King County agencies and divisions have responsibilities for the safety of drivers and pedestrians using the county's unincorporated roadways. The Road Services Division of the Department of Local Services is responsible for the safety and maintenance of the county's roadway network, the Sheriff's Office is responsible for enforcement of traffic laws, the District Court is responsible for adjudicating and processing traffic enforcement citations, and the Department of Public Health is responsible for monitoring safety and public health risks including those related to traffic safety.

ANALYSIS

Proposed Motion 2024-0166 requests that the Executive address the recent increase in traffic related injuries and fatalities along 140th Ave SE, and at nearby intersections and roadways, by evaluating all available strategies to improve traffic safety on county-maintained roadways in and around the Fairwood community of unincorporated King County and prepare a report.

The proposed motion asks the Executive to consider strategies including, but not limited to:

- Utilizing traffic enforcement cameras at the intersection of 140th Ave SE and 192nd St, on 140th Ave SE in front of Carriage Crest Elementary School, and at other high-risk locations in and around the Fairwood community;
- Assessing the feasibility of traffic calming capital improvements on 140th Ave SE, at the entrances to the Windham Ridge Neighborhood, and in other high-risk areas in and around the Fairwood community; and
- Coordinating emphasis patrols by law enforcement officers along 140th Ave SE and other areas in and around the Fairwood community known to experience excessive speeding or higher crash risks.

The proposed motion also requests that the Executive prepare a report to be submitted to the Council by August 30, 2024. The report should include, but not be limited to:

- A listing and description of segments along 140th Ave SE and all other county-maintained roads and roadway segments in and around the Fairwood community known to experience excessive speeding or higher crash risks, along with recommendations for prioritizing improvements on these roads;
- A listing and description of traffic safety strategies and projects, including capital improvements, that will be developed and implemented to reduce traffic related injuries and deaths along 140th Ave SE and other county-maintained roads and roadway segments in and around the Fairwood community along with an estimated timeline for their implementation; and

- An analysis of additional staff and resource needs across King County departments and agencies necessary to develop and implement traffic safety strategies and projects along 140th Ave SE and other county-maintained roads and roadway segments in and around the Fairwood community.

AMENDMENT

Striking Amendment S1 would add language to clearly define the road corridors and geographic boundaries included in the proposed study and change the due date of the requested report from August 30, 2024, to December 31st, 2024.

INVITED

- Joann Kosai-Eng, County Road Engineer, Roads Services Division

ATTACHMENTS

1. Proposed Motion 2024-0166
2. Amendment S1



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Motion

Proposed No. 2024-0166.1

Sponsors Dunn

1 A MOTION requesting the King County executive to
2 evaluate strategies to improve traffic safety along county-
3 maintained roads and roadway segments in and around the
4 Fairwood community of unincorporated King County and
5 to prepare a report.

6 WHEREAS more than one million trips are taken on King County's
7 unincorporated one-thousand-five-hundred-mile road network each day, and

8 WHEREAS many county agencies have responsibilities for the safety of drivers
9 and pedestrians using the county's unincorporated roads. The road services division of
10 the department of local services is responsible for the safety and maintenance of the
11 county's roadway network, the King County sheriff's office is responsible for
12 enforcement of traffic laws, the King County district court is responsible for adjudicating
13 and processing traffic enforcement citations, and the department of public health is
14 responsible for monitoring safety and public health risks including those related to traffic
15 safety, and

16 WHEREAS, the Washington Traffic Safety Commission reports that 2023
17 recorded over eight hundred traffic related fatalities across the state of Washington, the
18 most the state has seen since 1990, and

19 WHEREAS, traffic crashes are a significant source of injuries and fatalities in
20 King County each year. The Washington Traffic Safety Commission and the road

21 services division of the department of local services report that from 2018 to 2022, six
22 hundred twenty people died in King County in a motor vehicle-related crashes, seventy of
23 which occurred on county-maintained roads and an additional three thousand three
24 hundred seven people were seriously injured, two thousand four hundred ninety-two
25 occurring on a county-maintained road, and

26 WHEREAS, the department of public health reports that speeding is a major
27 cause of traffic crashes, particularly in those crashes resulting in injury or fatality. From
28 2018 to 2022, speeding contributed to one hundred ninety fatalities and seven hundred
29 eighty-one injuries, and

30 WHEREAS, the centers for Disease Control and Prevention and the National
31 Traffic Safety Institute have identified automated traffic safety cameras as an evidence-
32 based best practice for reducing speed and speeding-related crashes, along with related
33 property damage, injuries, and fatalities, and

34 WHEREAS, the Washington state Legislature enacted engrossed substitute house
35 bill 2384 in March 2024 that allows local jurisdictions greater flexibility in the placement
36 and use of automated traffic safety cameras to detect speed violations, and

37 WHEREAS, Chapter 307, Laws of Washington 2024, requires that revenues
38 generated from automated traffic safety cameras be used for traffic safety activities
39 related to construction and preservation projects and maintenance and operations
40 purposes, and

41 WHEREAS, the Fairwood community in unincorporated King County has voiced
42 its concerns regarding reckless driving and speeding on 140th Ave SE and recently
43 voiced those concerns in a community meeting attended by King County councilmember

44 Reagan Dunn, King County sheriff Patti Cole-Tindall, manager of the road services
45 division of the department of local services Tricia Davis, and others, and

46 WHEREAS, a couple was hit and tragically killed by a head-on collision in 2022
47 on 140th Ave SE;

48 WHEREAS, in March 2024, a crash at the intersection of SE 192nd St and 140th
49 Ave SE by a vehicle reportedly traveling at speeds in excess of one hundred twelve miles
50 per hour took the lives of a mother and three children, and seriously injured two more
51 children;

52 NOW, THEREFORE, BE IT MOVED by the Council of King County:

53 A. The council requests the King County executive address the recent increase in
54 traffic related injuries and deaths along 140th Ave SE, and at nearby intersections and
55 roadways, by evaluating all available strategies to improve traffic safety on county-
56 maintained roadways in and around the Fairwood community of unincorporated King
57 County and prepare a report.

58 B. The King County executive should consider strategies including, but not
59 limited to:

60 1. Utilizing traffic enforcement cameras at the intersection of 140th Ave SE and
61 192nd St, on 140th Ave SE in front of Carriage Crest Elementary School, and at other
62 high-risk locations in and around the Fairwood community of unincorporated King
63 County in accordance with Chapter 307, Laws of Washington 2024, the recently adopted
64 state law;

65 2. Assessing the feasibility of various traffic calming capital improvements on
66 140th Ave SE, at the entrances to the Windham Ridge Neighborhood, and in other high-

67 risk areas in and around the Fairwood community in unincorporated King County
68 including, but not limited to, roundabouts, road diets, physical barriers in unused center
69 two-way left-turn lanes, leading pedestrian intervals, and other appropriate roadway
70 countermeasures; and

71 3. Coordinating emphasis patrols by law enforcement officers along 140th Ave
72 SE and other areas in and around the Fairwood community in unincorporated King
73 County known to experience excessive speeding or higher crash risks.

74 C. The report should include, but not be limited to:

75 1. A listing and description of segments along 140th Ave SE and all other
76 county-maintained roads and roadway segments in and around the Fairwood community
77 in unincorporated King County known to experience excessive speeding or higher crash
78 risks and a recommendation for which county-maintained roads and roadway segments
79 should be prioritized for improvement;

80 2. A listing and description of traffic safety strategies and projects, including
81 capital improvements, that will be developed and implemented to reduce traffic related
82 injuries and deaths along 140th Ave SE and other county-maintained roads and roadway
83 segments in and around the Fairwood community in unincorporated King County and an
84 estimated timeline for their implementation; and

85 3. An analysis of additional staff and resource needs across King County
86 government departments and agencies to develop and implement traffic safety strategies
87 and projects along 140th Ave SE and other county-maintained roads and roadway
88 segments in and around the Fairwood community in unincorporated King County.

89 D. The executive should electronically file the report no later than August 30,
90 2024, with the clerk of the council, who shall retain an electronic copy and provide an
91 electronic copy to all councilmembers, the council chief of staff, and the lead staff for the
92 local services and land use committee, or its successor.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

May 24, 2024
Road/Boundary

[N. Bowman]

Sponsor: Dunn

Proposed No.: 2024-0166

1 **STRIKING AMENDMENT TO PROPOSED MOTION 2024-0166, VERSION 1**

2 On page 1, beginning on line 6, strike everything through page 5, line 92, and insert:

3 "WHEREAS more than one million trips are taken on King County's
4 unincorporated one-thousand-five-hundred-mile road network each day, and

5 WHEREAS many county agencies have responsibilities for the safety of drivers
6 and pedestrians using the county's unincorporated roads. The road services division of
7 the department of local services is responsible for the safety and maintenance of the
8 county's roadway network, the King County sheriff's office is responsible for
9 enforcement of traffic laws, the King County district court is responsible for adjudicating
10 and processing traffic enforcement citations, and the department of public health is
11 responsible for monitoring safety and public health risks including those related to traffic
12 safety, and

13 WHEREAS, the Washington Traffic Safety Commission reports that 2023
14 recorded over eight hundred traffic related fatalities across the state of Washington, the
15 most the state has seen since 1990, and

16 WHEREAS, traffic crashes are a significant source of injuries and fatalities in
17 King County each year. The Washington Traffic Safety Commission and the road
18 services division of the department of local services report that from 2018 to 2022, six

19 hundred twenty people died in King County in a motor vehicle-related crashes, seventy of
20 which occurred on county-maintained roads and an additional three thousand three
21 hundred seven people were seriously injured, two thousand four hundred ninety-two
22 occurring on a county-maintained road, and

23 WHEREAS, the department of public health reports that speeding is a major
24 cause of traffic crashes, particularly in those crashes resulting in injury or fatality. From
25 2018 to 2022, speeding contributed to one hundred ninety fatalities and seven hundred
26 eighty-one injuries, and

27 WHEREAS, the centers for Disease Control and Prevention and the National
28 Traffic Safety Institute have identified automated traffic safety cameras as an evidence-
29 based best practice for reducing speed and speeding-related crashes, along with related
30 property damage, injuries, and fatalities, and

31 WHEREAS, the Washington state Legislature enacted engrossed substitute house
32 bill 2384 in March 2024 that allows local jurisdictions greater flexibility in the placement
33 and use of automated traffic safety cameras to detect speed violations, and

34 WHEREAS, Chapter 307, Laws of Washington 2024, requires that revenues
35 generated from automated traffic safety cameras be used for traffic safety activities
36 related to construction and preservation projects and maintenance and operations
37 purposes, and

38 WHEREAS, the Fairwood community in unincorporated King County has voiced
39 its concerns regarding reckless driving and speeding on 140th Ave SE and recently
40 voiced those concerns in a community meeting attended by King County councilmember

41 Reagan Dunn, King County sheriff Patti Cole-Tindall, manager of the road services
42 division of the department of local services Tricia Davis, and others, and

43 WHEREAS, a couple was hit and tragically killed by a head-on collision in 2022
44 on 140th Ave SE;

45 WHEREAS, in March 2024, a crash at the intersection of SE 192nd St and 140th
46 Ave SE by a vehicle reportedly traveling at speeds in excess of one hundred twelve miles
47 per hour took the lives of a mother and three children, and seriously injured two more
48 children;

49 NOW, THEREFORE, BE IT MOVED by the Council of King County:

50 A. The council requests the King County executive address the recent increase in
51 traffic related injuries and deaths along 140th Ave SE, and at nearby intersections and
52 roadways, by evaluating all available strategies to improve traffic safety along the
53 county-maintained portion of 140th Ave SE and SE Petrovitsky Rd. corridors in and
54 around the Fairwood community of unincorporated King County and prepare a report.

55 B. The King County executive should consider strategies including, but not
56 limited to:

57 1. Utilizing traffic enforcement cameras at the intersection of 140th Ave SE and
58 192nd St, on 140th Ave SE in front of Carriage Crest Elementary School, and at other
59 high-risk locations along the 140th Ave SE and the SE Petrovitsky Rd corridors in the
60 Fairwood community of unincorporated King County in accordance with Chapter 307,
61 Laws of Washington 2024, the recently adopted state law;

62 2. Assessing the feasibility of various traffic calming capital improvements on
63 140th Ave SE, at the entrances to the Windham Ridge Neighborhood, and in other high-

64 risk areas along the 140th Ave SE and the SE Petrovitsky Rd corridors in the Fairwood
65 community in unincorporated King County including, but not limited to, roundabouts,
66 road diets, physical barriers in unused center two-way left-turn lanes, leading pedestrian
67 intervals, and other appropriate roadway countermeasures; and

68 3. Coordinating emphasis patrols by law enforcement officers along 140th Ave
69 SE and other areas in and around the Fairwood community in unincorporated King
70 County known to experience excessive speeding or higher crash risks.

71 C. The report should include, but not be limited to:

72 1. A listing and description of segments along the 140th Ave SE and the SE
73 Petrovitsky Rd. in the Fairwood community in unincorporated King County known to
74 experience excessive speeding or higher crash risks and a recommendation for which
75 segments should be prioritized for improvement;

76 2. A listing and description of traffic safety strategies and projects, including
77 capital improvements, that will be developed and implemented to reduce traffic related
78 injuries and deaths along the 140th Ave SE and the SE Petrovitsky corridors in the
79 Fairwood community in unincorporated King County; and

80 3. An analysis of additional staff and resource needs across King County
81 government departments and agencies to develop and implement traffic safety strategies
82 and projects along the 140th Ave SE and the SE Petrovitsky Rd. corridors in the
83 Fairwood community in unincorporated King County.

84 D. The executive should electronically file the report no later than December 31,
85 2024, with the clerk of the council, who shall retain an electronic copy and provide an

86 electronic copy to all councilmembers, the council chief of staff, and the lead staff for the
87 local services and land use committee, or its successor."

88 **EFFECT prepared by Nick Bowman: Adds specifying language to clearly define the**
89 **road corridors and geographic boundaries included in the proposed study and extends**
90 **the due date of the requested report from August 30th, 2024, to December 31st 2024.**



King County

**Metropolitan King County Council
Local Services and Land Use Committee**

STAFF REPORT

Agenda Item:	6	Name:	Jake Tracy
Proposed No.:	2023-0263	Date:	July 17, 2024

SUBJECT

Proposed Ordinance (PO) 2023-0263 would adopt regulations for battery energy storage systems (BESS) in unincorporated King County.

SUMMARY

Battery Energy Storage Systems (BESS) are technologies that use rechargeable batteries to store electrical energy for later use. BESS are not currently defined as a distinct use in the County’s zoning code, King County Code (K.C.C.) 21A. According to Executive staff, BESS are currently considered to be a subset of utility facility, which is defined as a facility for the distribution or transmission of services. Except in a limited case that does not apply to BESS, utility facilities are a permitted use in all zones and are not subject to any use-specific development conditions.

The PO would define “BESS” and “Consumer-scale BESS” as distinct uses in K.C.C. Title 21A. BESS would be a permitted use in all zones except for R zones, where they would require a conditional use permit. Consumer-scale BESS would be accessory uses, allowed only when accessory to another allowed use on a site.

The PO would include the requirements below for BESS and Consumer-scale BESS.

Table 1. Proposed Requirements for BESS and Consumer-scale BESS

	BESS Under 1 MW¹	BESS 1 MW or more	Consumer-Scale BESS Under 1 MW	Consumer-Scale BESS 1 MW or more
Ten-foot separation between the facility and vegetation	Yes	Yes	No	Yes
No projections into setbacks	Yes	Yes	Yes	Yes
Special requirements in RA, UR, R Zones	Yes	Yes	No	No
Size limitation in A and F zones	Yes	Yes	No	No
Financial responsibility for explosion and decommissioning	No	Yes	No	Yes

¹ Megawatt

There is a striking amendment, S3, that would make changes to allowances for BESS for accessory use, change the thresholds at which financial responsibility is required, change the amount of financial responsibility required and methods for calculation, require a special use permit for non-accessory BESS in the F zone, prohibit non-accessory BESS in the A zones, require sharing of emergency plans with the local fire protection district, make changes relating to BESS for electric vehicle charging, and require a report. There is also a title amendment, T2.

BACKGROUND

Battery Energy Storage Systems. Battery Energy Storage Systems (BESS) are technologies that use rechargeable batteries to store electrical energy for later use, intended to enhance the stability, reliability, and efficiency of electrical grids.

BESS consist of battery modules or packs, power electronics, and control systems that enable them to charge and discharge electricity. They can be deployed at various scales, ranging from residential and commercial applications to utility-scale installations, each serving specific grid needs and energy requirements.

The primary purpose of BESS is to balance supply and demand in the electrical grid, mitigating the challenges posed by the intermittency of renewable energy sources, such as solar and wind power, by providing a way to store excess energy during periods of high generation and release it when energy demand is high or generation is low. This can smooth out power fluctuations and provide grid stability, help avoid grid congestion, reduce the need for fossil fuel-based peaker plants, and enhance the overall reliability of the electrical system.

BESS are also employed for various grid services, including frequency regulation and response, and voltage support. They can respond rapidly to changes in grid conditions, providing grid operators with a tool to maintain the grid's stability and quality of power supply. They also are used to provide backup power during grid outages and to assist in demand response, and can reduce overall energy consumption through load shifting.

Lithium-ion batteries are the most common battery type used in BESS, but other types are used as well, including vanadium, zinc-bromine, lead-acid, nickel metal hydride, and nickel-cadmium, among others.

Existing County Regulations. BESS are not currently defined as a distinct use in the County's zoning code, King County Code (K.C.C.) 21A. According to Executive staff, BESS are currently considered to be a subset of utility facility, which is defined as a facility for the distribution or transmission of services.² While BESS are not specifically listed in the definition, the list provided is exemplary only and not exhaustive. Except in a limited case that does not apply to BESS, utility facilities are a permitted use in all zones and are not subject to any use-specific development conditions. Utility facilities are exempt from the special standards for nonresidential uses in the RA, UR, and R zones.

² K.C.C. 21A.06.1350

According to Executive staff, several small-scale BESS, serving a single site, have been permitted as accessory uses. No large-scale BESS facilities have been permitted, although an application was received for a BESS near the City of Covington.³ That application has been cancelled.

2021 International Fire Code & State Amendments. Section 1207 of the 2021 International Fire Code (IFC) contains provisions relating to energy storage systems. The provisions only apply to energy storage systems over a certain capacity. For lithium-ion systems, the threshold is 20 kilowatt hours (kWh). These are summarized very broadly below:⁴

- Construction and operational permits required.
- A failure modes and effects analysis or other approved hazard mitigation analysis is required. It must evaluate:
 - Thermal runaway;⁵
 - Failure of battery management, ventilation, or exhaust system;
 - Failure of smoke detection, fire detection, fire suppression, or gas detection system;
 - Other listed technical failures.
- The analysis described above must conclude that fires, flammable gases, and toxic gases will be contained below certain thresholds and allow time for evacuation if necessary, and that flammable gases during a fire will be controlled through the use of ventilation, prevention of accumulation, or by deflagration venting.
- System testing prior to commissioning is required.
- Identification, documentation, and training of personnel is required.
- Ongoing inspection and testing are required.
- Noncombustible enclosures are required.
- A management system that disconnects electrical connections if potentially hazardous conditions are detected is required.
- Fire-resistant separations required.
- Vehicle impact protection required.
- Size and separation requirements.
- Fire detection and suppression required.
- Vegetation control surrounding a BESS required.
- Exhaust ventilation, explosion control, spill control, and thermal runaway protections required.

The State has also adopted amendments to IFC Section 322, regarding storage of lithium-ion batteries in particular. In addition to the requirements listed above, lithium-ion

³ Permit No. CDUP23-0003

⁴ The full text of the provisions can be found at <https://codes.iccsafe.org/content/IFC2021P1/chapter-12-energy-systems#text-id-19095843>. The requirements are more nuanced than described in this staff report and include multiple caveats and exceptions based on size and type of the specific system in question.

⁵ Thermal runaway is the primary cause of fires in batteries. It is a phenomenon in which the cell enters an uncontrollable, self-heating state, which can lead to ejection of gas, shrapnel and/or particulates (violent cell venting), extremely high temperatures, smoke, and fire.

battery storage would be required to have a fire safety plan, and indoor storage and storage in a container would be subject to a technical opinion and report to evaluate the fire and explosion risks associated with the indoor storage area and to make recommendations for fire and explosion protection. Outdoor battery storage would be subject to size limits and a requirement for separation from buildings, lot lines, public streets, and each other.

ANALYSIS

Definitions. The PO would define “BESS” and “Consumer-scale BESS” as distinct uses in K.C.C. Title 21A. They would be defined as follows:

Battery energy storage system: A facility designed and constructed for the purpose of storing electrical energy using battery technology. Battery energy storage system does not include consumer-scale battery energy storage systems.

Consumer-scale battery energy storage system: A facility designed and constructed for the purpose of storing electrical energy using battery technology, and used solely to store energy for use on the site on which the system is located, excluding net metering.

“Net metering,” as referenced in the Consumer-scale BESS definition, refers to an electricity billing mechanism through which consumer-scale renewable energy generation systems, such as solar panels on a home, can feed a portion of the excess power they generate back into the grid. The proposed definition aligns with the County’s definition of “consumer-scale renewable energy generation system,” which allows for net metering.

The PO would also include Consumer-scale BESS in the list of things considered to be residential accessory uses, commercial/industrial accessory uses, and resource accessory uses. As these accessory uses cover all potential primary uses, any primary use allowed in a zone would be allowed to have a Consumer-scale BESS as an accessory use. This includes Consumer-scale BESS used for providing electricity for buildings as well as for vehicle charging.

Required Permits. As noted above, BESS are currently treated as a subset of utility facility, which makes it a permitted use in all zones, and Consumer-scale BESS are treated as allowed accessory uses, permitted as part of other allowed development in a given zone.

BESS. The PO would make BESS a standalone use in the Regional Land Uses table, K.C.C. 21A.08.100.A., and would define it as a permitted use in all zones, except for the R-1 through R-48 zones, in which it would require a conditional use permit.

The conditional use permit requirement would subject BESS in these zones to public notice and comment requirements, if not already required through the State Environmental Policy Act (SEPA), and would require the applicant to demonstrate the following:

- The conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;
- The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- The conditional use is not in conflict with the health and safety of the community;
- The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities; and
- The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of K.C.C. 21A.⁶

Consumer-scale BESS. By formally adding Consumer-scale BESS to the list of residential accessory uses, commercial/industrial accessory uses, and resource accessory uses, Consumer-scale BESS would remain a permitted use in all zones.

SEPA. The proposed ordinance would not affect the state requirements for SEPA review of BESS or Consumer-scale BESS. All projects would be subject to SEPA review unless found to be exempt under state law or K.C.C. Title 20.

Specific Requirements. The proposed ordinance would add new requirements to K.C.C. 21A for permit approval. Requirements would differ for BESS and Consumer-scale BESS, as well as based on whether the capacity of the system was below 1 megawatt (MW) or was at or above 1 MW. For reference, in California, a 1 MW system is estimated to store enough electricity to power 750 homes for four hours.⁷ The requirements are summarized in Table 2 and discussed in more detail below.

⁶ K.C.C. 21A.44.040

⁷ <https://www.gov.ca.gov/2023/07/12/icymi-california-grid-reaches-5600-mw-of-battery-storage-capacity-a-1020-increase-since-2020/#:~:text=With%20one%20megawatt%20of%20electricity,batteries%20need%20to%20be%20recharged.>

**Table 2.
Proposed Requirements for BESS and Consumer-scale BESS**

	BESS Under 1 MW	BESS 1 MW or more	Consumer-Scale BESS Under 1 MW	Consumer-Scale BESS 1 MW or more
Ten-foot separation between the facility and vegetation	Yes	Yes	No	Yes
No projections into setbacks	Yes	Yes	Yes	Yes
Special requirements in RA, UR, R Zones	Yes	Yes	No	No
Size limitation in A and F zones	Yes	Yes	No	No
Financial responsibility for explosion and decommissioning	No	Yes ⁸	No	Yes ⁸

Nonvegetated Buffer. The PO would require a minimum separation of ten feet between structures containing BESS and landscaping or other vegetation. The International Fire Code has a similar requirement, but allows some exemptions in which vegetation could be placed closer than ten feet.⁹ The PO would eliminate the possibility of these exemptions. The nonvegetated buffer would also be required for Consumer-scale BESS with a capacity of 1 MW or more.

Setback Projections. King County Code allows “electrical and cellular equipment cabinets and other similar utility boxes and vaults” to project into required setbacks from property lines. The PO would specify that equipment associated with BESS and Consumer-scale BESS are not allowed to project into required setbacks.

Nonresidential Land Use Requirements. Utility Facilities are exempt from the special requirements for nonresidential land uses in the RA, UR, and R zones.¹⁰ The proposed ordinance would subject BESS to these requirements. The requirements are as follows:

- A. *Impervious surface coverage shall not exceed:*
 - 1. *Forty percent of the site in the RA zone.*
 - 2. *Seventy percent of the site in the UR and the R-1 through R-8 zones.*
 - 3. *Eighty percent of the site in the R-12 through R-48 zones.*
- B. *Buildings and structures, except fences and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection C.*
- C. *Single detached dwelling allowed as accessory to a church or school shall conform to the setback requirements of the zone.*

⁸ Only required for privately owned facilities. See discussion below.

⁹ IFC 1207.5.7.

¹⁰ Found in K.C.C. 21A.12.220.

D. Parking areas are permitted within the required setback area from property lines, provided such parking areas are located outside of the required landscape area.

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

F. The base height shall conform to the zone in which the use is located.

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

Limitations in A and F Zones. In the A (Agriculture) and F (Forest) zones, the PO would limit the size of BESS to two acres or 2.5% of the site, whichever is less. This mirrors a limitation for renewable energy generation systems in these zones. The PO would specify that, if a renewable energy generation system and BESS are located on the same property, the two acre or 2.5% limitation would apply to the combined area of both uses.

This requirement would not apply to Consumer-scale BESS that are accessory to allowed uses in the A and F zones. However, as the Consumer-scale BESS would be required to be subordinate and incidental to the allowed agriculture or forestry use on site, and would only be allowed to be used to provide power to that on-site use, this would represent an inherent limitation on the size of the system.

Financial Responsibility. In May 2023, the Council adopted Ordinance 19601, which established financial responsibility requirements for privately owned fossil fuel facilities and nonhydroelectric generation facilities. The PO would extend these requirements to privately owned BESS with 1 MW or more of capacity, as well privately owned Consumer-scale BESS with 1 MW or more of capacity. The County is prohibited by state law from imposing financial responsibility on public entities, but the PO would encourage the Permitting Division to seek voluntary compliance from public entities.¹¹

The financial responsibility requirements would be moved to a new chapter in Title 21A, but would be identical to the existing requirements for fossil fuel facilities and nonhydroelectric generation facilities. Applicants would be required to demonstrate proof of financial responsibility in an amount necessary to compensate for the maximum damages from an explosion resulting from a worst-case release, and proof of financial responsibility in an amount necessary to compensate for facility decommissioning (e.g., brownfield remediation).

The level of financial responsibility necessary would be determined by the Executive based on studies provided by the applicant at the time of permit application. The PO lays out the information that would be required in these studies.

For the explosion scenario, the study would be required to:

¹¹ RCW 36.32.590

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

For decommissioning, the study would be required to include, but not be limited to:

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

For BESS and Consumer-scale BESS subject to the financial responsibility requirement, the owner or operator would be required to verify financial responsibility to the Permitting Division on a five-year basis.

SEPA Review and Public Notice. The PO required review under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance was issued on September 27, 2023 and the SEPA public comment period is complete.

The proposed ordinance requires a 30-day public hearing notice prior to the hearing at full Council.

AMENDMENT

Striking Amendment S3. The striking amendment would make the following changes:

BESS as Accessory Uses.

- Would remove the "Consumer-scale BESS" definition and instead refer to these as BESS for residential accessory use, commercial/industrial accessory use, or resource accessory use, as those terms are defined in the K.C.C. 21A.06. These BESS would continue to be limited to on-site use except as caveated below, and would retain "permitted use" status in all zones where residential accessory uses, commercial/industrial accessory uses, or resource accessory uses are allowed.
- Would clarify that, for the purposes of being considered an accessory use, vehicle charging on-site or in the immediately adjacent right-of-way is allowed. When a BESS qualifies as an accessory use, and is used solely to serve electric vehicle charging infrastructure within a street setback, the BESS would also be allowed to be located within the street setback.
- Would allow BESS for accessory use to participate in load sharing or other electricity sharing programs that may involve some amount of off-site use.
- Would stipulate that BESS over 2 MW do not qualify as an accessory use.

Agricultural and Forest Zone. In the Forest (F) zone, BESS would:

- Require a special use permit, unless the system meets the definition of a resource accessory use or residential accessory use.
- Not be subject to the 2-acre limitation in the initially introduced version of the ordinance.

In the Agricultural zone, BESS would be prohibited unless the system meets the definition of a resource accessory use or residential accessory use.

Financial Responsibility for Public Liability and Environmental Risks. Would change the financial responsibility required for fire and explosion to financial responsibility for public

liability and environmental risks, and would change the amount to a flat \$1 million, rather than an amount determined based on a study of maximum potential damages.

Would also change the threshold at which this financial responsibility is required. Rather than a 1 MW threshold, the striking amendment would stipulate the following:

- 2 MW or less – financial responsibility not required.
- Over 2 MW – financial responsibility required if all three of the following conditions are met:
 - The battery technology requires thermal runaway protections under state law;
 - Any individual room, cabinet, container, or other enclosure containing the system has an energy rating greater than two megawatt-hours, or any two enclosures are less than ten feet apart; and
 - The system does not qualify as a "remote facility" under the International Fire Code – in other words, it is within one hundred feet of buildings, lot lines, public ways, stored combustible materials, hazardous materials, high-piled stock, or other exposure hazards.

Financial Responsibility for Decommissioning. Would change the threshold at which financial responsibility for decommissioning is required from 1 MW to 2 MW. Would require that the decommissioning financial responsibility be in an amount to carry out the state-required decommissioning plan, rather than a separate plan.

Permit Conditions for Public Safety. Would specify that permit conditions to protect public health and safety should be added when recommended based on the findings of studies required by the fire code.

Sharing of Emergency Plans. Would require applicants to share draft fire safety and evacuation plans with the local fire protection district prior to application, and would require final versions to be shared with the local fire protection district prior to final inspection.

Follow-up Report. Would require the Executive to submit a report one year from the date that the first BESS is given final inspection approval under the regulations in this ordinance, or three years from the date this ordinance is enacted, whichever comes first. The report would include information on BESS applications and pre-application meetings in unincorporated King County, changes to battery technology, and changes to relevant codes, as well as recommendations for changes to King County Code, if warranted based on the findings of the report. If code changes were found to be warranted, the Executive would be required to submit a proposed ordinance making those changes along with the report. The Executive would be required to consult with representatives of the energy industry, emergency response community, renewable energy industry, labor, and state and local governments in development of the report.

Technical and Clarifying Changes. Would make technical and clarifying changes, including changes to the definition of BESS, removal of a vehicle impact requirement that is duplicative of state law, updated cross-references, addition of a severability clause, and changes to match legislative drafting guidelines.

Title Amendment T2. The title amendment would conform the title to the striking amendment.

INVITED

- Marissa Aho, Director, Office of Climate

ATTACHMENTS

1. Proposed Ordinance 2023-0263
2. Striking Amendment S3
3. Title Amendment T2



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2023-0263.1

Sponsors Perry

1 AN ORDINANCE relating to energy storage systems; and
2 amending Ordinance 10870, Section 43, as amended, and
3 K.C.C. 21A.06.015, Ordinance 10870, Section 44, as
4 amended, and K.C.C. 21A.06.020, Ordinance 10870,
5 Section 45, as amended, and K.C.C. 21A.06.025,
6 Ordinance 10870, Section 330, as amended, and K.C.C.
7 21A.08.030, Ordinance 10870, Section 333, as amended,
8 and K.C.C. 21A.08.060, Ordinance 10870, Section 336, as
9 amended, and K.C.C. 21A.08.090, Ordinance 10870,
10 Section 337, as amended, and K.C.C. 21A.08.100,
11 Ordinance 10870, Section 354, as amended, and K.C.C.
12 21A.12.170, Ordinance 10870, Section 359, as amended,
13 and K.C.C. 21A.12.220, Ordinance 10870, Section 388, as
14 amended, and K.C.C. 21A.16.030, Ordinance 10870,
15 Section 390, as amended, and K.C.C. 21A.16.050,
16 Ordinance 10870, Section 391, as amended, and K.C.C.
17 21A.16.060, adding new sections to K.C.C. 21A.06, and
18 adding a new chapter to K.C.C. Title 21A.

19 **STATEMENT OF FACTS:**

- 20 1. Battery energy storage systems play a crucial role in modern energy
21 supply by providing efficient and flexible storage for electricity generated
22 from renewable energy sources, such as solar and wind power. They help
23 address the intermittent nature of these sources by storing excess
24 electricity during times of low demand and releasing it when demand is
25 high. This enhances grid stability and reliability when implemented on a
26 region-wide scale, and increases the reliability of electricity supply for
27 individual uses when installed to back up consumer-scale renewable
28 energy generation systems.
- 29 2. By making renewable energy sources more reliable, battery energy
30 storage systems can help King County meet its Strategic Climate Action
31 Plan goal of reducing greenhouse gas emissions in the county by eighty
32 percent by 2050.
- 33 3. The use of battery energy storage systems has been rapidly increasing
34 worldwide due to advancements in battery technology, decreasing costs,
35 and the growing adoption of renewable energy generation. The
36 deployment of large-scale battery energy storage systems has witnessed
37 substantial growth in recent years, driven by both utility-scale installations
38 and distributed systems at residential, commercial, and industrial levels.
- 39 4. Because widespread use of these systems is a relatively recent
40 phenomenon, there are not currently regulations in King County’s zoning
41 code that specifically address them.

42 4. While battery energy storage systems offer the advantages cited above,
43 there are also potential risks associated with this technology. Fire and
44 explosion incidents have been reported at battery energy generation
45 facilities in the Unites States and abroad, arising from the nature of the
46 battery chemistry and the large energy storage capacity.

47 5. The Washington Administrative Code recognizes this potential danger
48 and includes new requirements, effective October 2023, intended to
49 minimize the risk of fire and explosion doing damage to nearby structures
50 and properties.

51 6. While these measures are important at minimizing damage should a
52 catastrophic incident occur, it is important that the owners of battery
53 energy storage systems carry financial responsibility, such as insurance,
54 that will cover costs associated with such an incident, as well as any costs
55 associated with decommissioning that facility at the end of its useful life.

56 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

57 SECTION 1. Ordinance 10870, Section 43, as amended, and K.C.C. 21A.06.015
58 are each hereby amended as follows:

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

- 61 A. Administrative offices;
62 B. Employee exercise facilities;
63 C. Employee food service facilities;

64 D. Incidental storage of raw materials and finished products sold or manufactured
65 on-site;

66 E. Business owner or caretaker residence;

67 F. Cogeneration facilities;

68 G. Ground maintenance facilities; ~~((and))~~

69 H. Consumer-scale renewable energy systems; and

70 I. Consumer-scale battery energy storage systems.

71 SECTION 2. Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020

72 are each hereby amended as follows:

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

75 A. Accessory living quarters and dwellings;

76 B. Fallout or bomb shelters;

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

78 D. On-site rental office;

79 E. Pools, private docks, or piers;

80 F. Antennae for private telecommunication services;

81 G. Storage of yard maintenance equipment;

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

83 I. Greenhouses;

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

85 required under K.C.C. 21A.14.190;

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

87 L. Consumer-scale renewable energy systems; and

88 M. Consumer-scale battery energy storage systems.

89 SECTION 3. Ordinance 10870, Section 45, as amended, and K.C.C. 21A.06.025

90 are each hereby amended as follows:

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

92 limited to:

93 A. Housing of agricultural workers;

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

95 C. Consumer-scale renewable energy systems; and

96 D. Consumer-scale battery energy storage systems.

97 NEW SECTION. SECTION 4. There is hereby added to K.C.C. Chapter 21A.06

98 a new section to read as follows:

99 Battery energy storage system: A facility designed and constructed for the
100 purpose of storing electrical energy using battery technology. Battery energy storage
101 system does not include consumer-scale battery energy storage systems.

102 NEW SECTION. SECTION 5. There is hereby added to K.C.C. Chapter 21A.06

103 a new section to read as follows:

104 Consumer-scale battery energy storage system: A facility designed and
105 constructed for the purpose of storing electrical energy using battery technology, and
106 used solely to store energy for use on the site on which the system is located, excluding
107 net metering.

108 SECTION 6. Ordinance 10870, Section 330, as amended, and K.C.C.

109 21A.08.030 are each hereby amended as follows:

110

A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M		RA	UR	R1- 8	R12 -48	NB	CB	RB	O
SIC #	SPECIFIC LAND USE												
	DWELLING UNITS, TYPES:												
*	Single Detached	P C1 2	P2		P C1 2	P C1 2	P C12 C12	P C12	P15				
*	Townhouse				C4	C4	P11 C12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home Park				S13		C8	P					
*	Cottage Housing						P15						
	GROUP RESIDENCES:												
*	Community Residential Facility-I				C	C	P14. a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						P14. b	P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					

*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home Occupation	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18	
*	Home Industry	C			C	C	C						
	TEMPORARY LODGING:												
7011	Hotel/Motel (1)									P	P	P	
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10		
7041	Organization Hotel/Lodging Houses						P17				P		

- 111 B. Development conditions.
- 112 1. Except bed and breakfast guesthouses.
- 113 2. In the forest production district, the following conditions apply:
- 114 a. Site disturbance associated with development of any new residence shall be
- 115 limited to three acres. Site disturbance shall mean all land alterations including, but not
- 116 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
- 117 disposal systems, and driveways. Additional site disturbance for agriculture, including
- 118 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
- 119 approved only if a farm management plan is prepared in accordance with K.C.C. chapter

120 21A.30. Animal densities shall be based on the area devoted to animal care and not the
121 total area of the lot;

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

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

127 3. Only as part of a mixed use development subject to the conditions of K.C.C.
128 chapter 21A.14, except that in the NB zone on properties with a land use designation of
129 commercial outside of center (CO) in the urban areas, stand-alone townhouse
130 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
131 21A.14.180.

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

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

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

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

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

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

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

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

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

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

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

153 (b) the lot must meet the minimum lot area for the applicable zone if located
154 in the rural area but not in a rural town, except that if one transferable development right
155 is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter
156 21A.37, a detached accessory dwelling unit is allowed on a RA-5 zoned lot that is two
157 and one-half acres or greater;

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

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

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

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

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

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

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

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

182 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
183 approved by the department of executive services, records and licensing services
184 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
185 The applicant shall submit proof that the notice was filed before the department approves

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

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

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

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

195 b. Accessory living quarters:

196 (1) are limited to one per lot;

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

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

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

202 (5) are not allowed in the F zone.

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

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

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

- 209 d. consumer-scale battery energy storage systems with a capacity of one
210 megawatt or greater shall comply with the requirements for battery energy storage
211 systems in K.C.C. 21A.08.100.B.30.
- 212 e. Buildings for residential accessory uses in the RA and A zone shall not
213 exceed five thousand square feet of gross floor area, except for buildings related to
214 agriculture or forestry.
- 215 8. Mobile home parks shall not be permitted in the R-1 zones.
- 216 9. Only as accessory to the permanent residence of the operator, and:
- 217 a. Serving meals shall be limited to paying guests; and
- 218 b. The number of persons accommodated per night shall not exceed five,
219 except that a structure that satisfies the standards of the International Building Code as
220 adopted by King County for R-1 occupancies may accommodate up to ten persons per
221 night.
- 222 10. Only if part of a mixed use development, and subject to the conditions of
223 subsection B.9. of this section.
- 224 11. Townhouses are permitted, but shall be subject to a conditional use permit if
225 exceeding base density.
- 226 12. Required before approving more than one dwelling on individual lots,
227 except on lots in subdivisions, short subdivisions, or binding site plans approved for
228 multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.
229 of this section.
- 230 13. No new mobile home parks are allowed in a rural zone.
- 231 14.a. Limited to domestic violence shelter facilities.

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

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

235 a. Developments shall contain only cottage housing units with no fewer than
236 three units. If the site contains an existing home that is not being demolished, the
237 existing house is not required to comply with the height limitation in K.C.C.
238 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B.;

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

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

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

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

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

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

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

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

252 SECTION 7. Ordinance 10870, Section 333, as amended, and K.C.C.

253 21A.08.060 are each hereby amended as follows:

254 A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RU	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-2-48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P2 7	P27	P2 7	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	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8 and 33	P29 C28	P2 9 C2 8	P29 C2 8	P	P	P	P	P
*	Commuter Parking Lot				C 33	C P19	C P1	C 19	P	P	P	P	P35

					P1 9		9						
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P1 8	P18	P1 8	P18	P31	P31	P31	P31	P
	BUSINESS SERVICES:												
*	Construction and Trade				P3 4						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage (38)												P
*	Log Storage (38)		P		P2 6 and 33								P
47	Transportation												P39

	Service											
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							P20 a	P20b	P21	P20 a	P
*	Off-Street Required Parking Lot				P3 2	P32	P3 2	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters									P	P	
873	Research, Development and									P2	P2	P2

	Testing											
*	Heavy Equipment and Truck Repair											P
	ACCESSORY USES:											
*	Commercial/Industrial Accessory Uses			<u>P4</u> <u>1</u>	P2 2 <u>P4</u> <u>1</u>				P22 <u>P41</u>	P22 <u>P41</u>	<u>P41</u>	<u>P41</u> <u>P41</u>
*	Helistop				40	C23	C2 33	C2 3	C23	C23	C24	C2 3 C2 4

- 255 B. Development conditions.
- 256 1. Except self-service storage.
- 257 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 258 Educational Research, see general business service/office.
- 259 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 260 subject to K.C.C. chapter 21A.32; or
- 261 b. only when accessory to a fire facility and the office is no greater than one
- 262 thousand five hundred square feet of floor area.
- 263 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 264 21A.32.
- 265 5. New utility office locations only if there is no commercial/industrial zoning
- 266 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 267 no feasible alternative location is possible, and provided further that this condition

268 applies to the UR zone only if the property is located within a designated unincorporated
269 Rural Town.

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

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

274 c. No outdoor storage; and

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

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

278 a. holding cells;

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

280 c. long-term storage of stolen properties.

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

286 9. No outdoor storage of materials.

287 10. Limited to office uses.

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

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

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

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

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

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

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

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

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

303 f. No residential occupancy of the storage units;

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

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

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

309 15. Repealed.

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

311 17. No outdoor storage.

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

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

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

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

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

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

325 (3) limited to no more than ten vehicles.

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

328 22. Storage limited to accessory storage of commodities sold at retail on the
329 premises or materials used in the fabrication of commodities sold on the premises.

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

333 24. Allowed as accessory to an allowed use.

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

336 26. Limited to two acres or less.

337 27a. Utility yards only on sites with utility district offices; or

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

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

342 29. Excluding local distribution gas storage tanks.

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

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

349 32. Provided:

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

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

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

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

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

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

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

368 36. Repealed.

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

372 38. If the farm product warehousing, refrigeration and storage, or log storage, is
373 associated with agriculture activities it will be reviewed in accordance with K.C.C.
374 21A.08.090.

375 39. Excluding fossil fuel facilities.

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

379 41. Consumer-scale battery energy storage systems with a capacity of one
 380 megawatt or greater shall comply with the requirements for battery energy storage
 381 systems in K.C.C. 21A.08.100.B.30.

382 SECTION 8. Ordinance 10870, Section 336, as amended, and K.C.C.
 383 21A.08.090 are each hereby amended as follows:

384 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIA			COMMERCIAL/INDUSTRIA				
		A	F	M		RA	UR	R1 -8	R1 2- 48	NB	CB	RB	O
SIC#	SPECIFIC LAND USE												
12	Coal Mining												
13	Oil and Gas Extraction												
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P2 4C	P2 4C		P24 C	P24 C							
*	Agricultural	P2	P2		P26	P26	P2		P27	P27			

	Support Services	5C	5C		C	C	6C		C28	C28		
*	Marijuana producer	P1			P16					P18	P18	P2
		5			C1					C19	C19	0
		C2			7							C2
		2										1
*	Agriculture	C1										
	Training Facility	0										
*	Agriculture-related	P1										
	special needs camp	2										
*	Agricultural	P1										
	Anaerobic Digester	3										
	FORESTRY:											
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P					P
*	Forest Research		P		P	P						P2 P
	FISH AND WILDLIFE MANAGEMENT:											
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C					P
0273	Aquaculture (1)	P	P		P	P	C					P
*	Wildlife Shelters	P	P		P	P						
	MINERAL:											
10, 14	Mineral Extraction and Processing		P9 C	P C1 1								

2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P2 3 P2 9	P4 <u>P2</u> 9	P5 <u>P2</u> 9	P3 <u>P29</u>	P3 <u>P29</u>							P4 <u>P2</u> 9
*	Farm Worker Housing	P1 4			P14								

- 385 B. Development conditions.
- 386 1. May be further subject to K.C.C. chapter 21A.25.
- 387 2. Only forest research conducted within an enclosed building.
- 388 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 389 4. Excluding housing for agricultural workers.
- 390 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 391 with mineral extraction or processing operation.
- 392 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 393 7. Only in conjunction with a mineral extraction site plan approved in
- 394 accordance with K.C.C. chapter 21A.22.

395 8. Only on the same lot or same group of lots under common ownership or
396 documented legal control, which includes, but is not limited to, fee simple ownership, a
397 long-term lease or an easement:

398 a. as accessory to a primary mineral extraction use;

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

401 c. for a public works project under a temporary grading permit issued in
402 accordance with K.C.C. 16.82.152.

403 9. Limited to mineral extraction and processing:

404 a. on a lot or group of lots under common ownership or documented legal control,
405 which includes but is not limited to, fee simple ownership, a long-term lease or an
406 easement;

407 b. that are located greater than one-quarter mile from an established residence;

408 and

409 c. that do not use local access streets that abut lots developed for residential
410 use.

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

413 a. The impervious surface associated with the agriculture training facilities
414 shall comprise not more than ten percent of the allowable impervious surface permitted
415 under K.C.C. 21A.12.040;

416 b. New or the expansion of existing structures, or other site improvements,
417 shall not be located on class 1, 2 or 3 soils;

418 c. The director may require reuse of surplus structures to the maximum extent
419 practical;

420 d. The director may require the clustering of new structures with existing
421 structures;

422 e. New structures or other site improvements shall be set back a minimum
423 distance of seventy-five feet from property lines adjoining rural area and residential
424 zones;

425 f. Bulk and design of structures shall be compatible with the architectural style
426 of the surrounding agricultural community;

427 g. New sewers shall not be extended to the site;

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

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

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

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

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

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

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

447 (1) passive recreation;

448 (2) training of individuals who will work at the camp;

449 (3) special events for families of the campers; and

450 (4) agriculture education for youth.

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

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

459 d.(1) The minimum site area shall be five hundred acres. Unless the property
460 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
461 of this section, a minimum of five hundred acres of the site must be owned by a single

462 individual, corporation, partnership, or other legal entity and must remain under the
463 ownership of a single individual, corporation, partnership, or other legal entity for the
464 duration of the operation of the camp.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

510 t. Camp recreational activities shall not involve the use of motor vehicles
511 unless the motor vehicles are part of an agricultural activity or are being used for the
512 transportation of campers, camp personnel, or the families of campers. Camp personnel
513 may use motor vehicles for the operation and maintenance of the facility. Client-specific
514 motorized personal mobility devices are allowed; and

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

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

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

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

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

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

528 14. Farm worker housing. Either:

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

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

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

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

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

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

544 (1) Not more than:

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

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

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

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

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

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

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

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

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

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

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

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

- 575 b. With a lighting plan, only if required by and that complies with K.C.C.
576 21A.12.220.G.;
- 577 c. Only with documentation that the operator has applied for a Puget Sound
578 Clean Air Agency Notice of Construction Permit. All department permits issued to either
579 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
580 Clean Air Agency Notice of Construction Permit be approved before marijuana products
581 are imported onto the site;
- 582 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
583 within structures that are nondwelling unit structures that exist as of October 1, 2013,
584 subject to the size limitations in subsection B.15.e. of this section;
- 585 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
586 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
587 aggregated total of two thousand square feet and shall be located within a fenced area or
588 marijuana greenhouse that is no more than ten percent larger than that combined area, or
589 may occur in nondwelling unit structures that exist as of October 1, 2013;
- 590 f. Outdoor production area fencing as required by the Washington state Liquor
591 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
592 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
593 feet; and
- 594 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
595 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
596 marijuana-related entity occupying space in addition to the two-thousand-square-foot

597 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
598 B.22. of this section.

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

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

608 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
609 21A.12.220.G.;

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

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

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

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

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

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

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

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

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

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

641 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
642 21A.12.220.G.;

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

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

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

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

659 18.a. Production is limited to indoor only;

660 b. With a lighting plan only as required by and that complies with K.C.C.
661 21A.12.220.G.;

662 c. Only with documentation that the operator has applied for a Puget Sound Clean Air
663 Agency Notice of Construction Permit. All department permits issued to either

664 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
665 Clean Air Agency Notice of Construction Permit be approved before marijuana products
666 are imported onto the site; and

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

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

676 19.a. Production is limited to indoor only;

677 b. With a lighting plan only as required by and that complies with K.C.C.
678 21A.12.220.G.;

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

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

687 tenant space that is no more than ten percent larger than the plant canopy and separately
688 authorized processing area.

689 20.a. Production is limited to indoor only;

690 b. With a lighting plan only as required by and that complies with K.C.C.

691 21A.12.220.G.;

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

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

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

706 21.a. Production is limited to indoor only;

707 b. With a lighting plan only as required by and that complies with K.C.C.

708 21A.12.220.G.;

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

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

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

721 a. With a lighting plan only as required by and that complies with K.C.C.
722 21A.12.220.G.;

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

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

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

732 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC
733 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall
734 be limited to a maximum aggregated total of five thousand square feet and shall be
735 located within a fenced area or marijuana greenhouse that is no more than ten percent
736 larger than that combined area, or may occur in nondwelling unit structures that exist as
737 of October 1, 2013;

738 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
739 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
740 limited to a maximum aggregated total of ten thousand square feet, and shall be located
741 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
742 that combined area, or may occur in nondwelling unit structures that exist as of October
743 1, 2013; and

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

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

752 a. agricultural is the primary use of the site;

753 b. the storage and processing are in accordance with best management
754 practices included in an approved farm plan; and

755 c. except for areas used for manure storage, the areas used for storage and
756 processing do not exceed three acres and ten percent of the site.

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

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

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

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

774 (b) as a permitted use, the floor area devoted to all warehousing,
775 refrigeration, storage, or other similar activities shall not exceed two thousand square
776 feet, unless located in a building designated as historic resource under K.C.C. chapter
777 20.62. The agricultural technical review committee, as established in K.C.C.

778 21A.42.300, may review and approve an increase of up to three thousand five hundred
779 square feet of floor area devoted to all warehouseing, storage, including refrigeration, or
780 other similar activities in the RA zones, or on farms less than thirty-five acres located in
781 the A zones, or up to seven thousand square feet on farms greater than thirty-five acres in
782 the A zone;

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

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

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

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

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

798 (3) as a permitted use, the covered sales area shall not exceed two thousand
799 square feet, unless located in a building designated as a historic resource under K.C.C.
800 chapter 20.62. The agricultural technical review committee, as established in K.C.C.

801 21A.42.300, may review and approve an increase of up to three thousand five hundred
802 square feet of covered sales area;

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

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

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

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

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

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

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

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

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

821 (3) the size of the total repair use is limited to one percent of the farm size in
822 the A zone, and up to one percent of the size in other zones, up to a maximum of five

823 thousand square feet unless located within an existing farm structure, including but not
824 limited to barns, existing as of December 31, 2003; and

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

826 e. The agricultural technical review committee, as established in K.C.C.
827 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
828 residential zones and minimum setbacks from rural and residential zones.

829 25. The department may review and approve establishment of agricultural
830 support services in accordance with the code compliance review process in K.C.C.

831 21A.42.300 only if:

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

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

837 26. The agricultural technical review committee, as established in K.C.C.
838 21A.42.300, may review and approve establishment of agricultural support services only
839 if the project site:

840 a. adjoins or is within six hundred sixty feet of the agricultural production
841 district;

842 b. has direct vehicular access to the agricultural production district;

843 c. except for farmworker housing, does not use local access streets that abut
844 lots developed for residential use; and

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

846 27. The agricultural technical review committee, as established in K.C.C.
 847 21A.42.300, may review and approve establishment of agricultural support services only
 848 if the project site:

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

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

857 29. Consumer-scale battery energy storage systems with a capacity of one
 858 megawatt or greater shall comply with the requirements for battery energy storage
 859 systems in K.C.C. 21A.08.100.B.30.

860 SECTION 9. Ordinance 10870, Section 337, as amended, and K.C.C.

861 21A.08.100 are each hereby amended as follows:

862 A. Regional land uses.

P-Permitted Use		RESOURCE			R	RESIDENTIAL			COMMERCIAL/INDUSTRIA				
C-Conditional Use					U				L				
S-Special Use					R								
					A								
					L								
SIC#	SPECIFIC	A	F	M	RA	UR	R1-	R1	NB	CB	RB	O	I
	LAND USE						8	2-					(15

								48)
*	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		C1 4 S	C1 4 S	C1 4 S						
((*))	((Search and Rescue Facility))				((C 30 S30))								
*	Non-hydroelectric Generation Facility	C12 S29	C12 S29	C12 S29	C1 2 S29	C1 2 S29	C1 2 S29	C1 2 S29	C1 2 S29	C1 2 S29	C12 S29	C1 2 S29	P12 S29
*	Renewable Energy Generation Facility	C28	C28	C	C	C	C	C	C	C	C	C	C
*	Fossil Fuel Facility												S27
<u>*</u>	<u>Battery Energy</u>	<u>P28</u>	<u>P28</u>	<u>P30</u>	<u>P30</u>	<u>P30</u>	<u>C3</u>	<u>C3</u>	<u>P30</u>	<u>P30</u>	<u>P30</u>	<u>P30</u>	<u>P30</u>

	<u>Storage System</u>	<u>P30</u>	<u>P30</u>			<u>Q</u>	<u>Q</u>						
*	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
*	<u>Search and Rescue Facility</u>				<u>C3</u> <u>1</u> <u>S31</u>								
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance Facility				C2 3								P
*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort				P26		P26	P26	P26	P26	P26	P26	P26

	Facility												
*	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 C1 1 S18	P10 C1 1 S18	P10 C1 1 S	P10 C1 1 S	P10 C1 1 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

863

B. Development conditions.

864

1. Except technical institutions. See vocational schools on general services land

865

use table, K.C.C. 21A.08.050.

866

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

867

3. Except weapons armories and outdoor shooting ranges.

868

4. Except outdoor shooting range.

869

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

- 870 6.a. Limited to no more than three satellite dish antennae.
- 871 b. Limited to one satellite dish antenna.
- 872 c. Limited to tower consolidations.
- 873 7. Limited to landing field for aircraft involved in forestry or agricultural
- 874 practices or for emergency landing sites.
- 875 8. Except racing of motorized vehicles.
- 876 9. Limited to wildlife exhibit.
- 877 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 878 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 879 21A.32.
- 880 12. Limited to gas extraction as an accessory use to a waste management
- 881 process, such as wastewater treatment, landfill waste management, livestock manure and
- 882 composting processes.
- 883 13. Excluding impoundment of water using a dam.
- 884 14. Limited to facilities that comply with the following:
- 885 a. Any new diversion structure shall not:
- 886 (1) exceed a height of eight feet as measured from the streambed; or
- 887 (2) impound more than three surface acres of water at the normal maximum
- 888 surface level;
- 889 b. There shall be no active storage;
- 890 c. The maximum water surface area at any existing dam or diversion shall not
- 891 be increased;

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

894 e. Any transmission line shall be limited to a:

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

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

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

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

900 15. For I-zoned sites located outside the urban growth area designated by the
901 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
902 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
903 prohibited. All other uses, including waste water treatment facilities, shall be subject to
904 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

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

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

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

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

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

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

- 927 a. building square footage;
- 928 b. landscaping;
- 929 c. parking;
- 930 d. building height; or
- 931 e. impervious surface.

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

- 936 23. The facility shall be primarily devoted to rural public infrastructure
937 maintenance and is subject to the following conditions:
- 938 a. The minimum site area shall be ten acres, unless:
- 939 (1) the facility is a reuse of a public agency yard; or
940 (2) the site is separated from a county park by a street or utility right-of-way;
- 941 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
942 between any stockpiling or grinding operations and adjacent residential zoned property;
- 943 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
944 between any office and parking lots and adjacent residential zoned property;
- 945 d. Access to the site does not use local access streets that abut residential zoned
946 property, unless the facility is a reuse of a public agency yard;
- 947 e. Structural setbacks from property lines shall be as follows:
- 948 (1) Buildings, structures, and stockpiles used in the processing of materials
949 shall be no closer than:
- 950 (a) one hundred feet from any residential zoned properties, except that the
951 setback may be reduced to fifty feet when the grade where the building or structures are
952 proposed is fifty feet or greater below the grade of the residential zoned property;
- 953 (b) fifty feet from any other zoned property, except when adjacent to a
954 mineral extraction or materials processing site;
- 955 (c) the greater of fifty feet from the edge of any public street or the setback
956 from residential zoned property on the far side of the street; and
- 957 (2) Offices, scale facilities, equipment storage buildings, and stockpiles shall
958 not be closer than fifty feet from any property line except when adjacent to M or F zoned

959 property or when a reuse of an existing building. Facilities necessary to control access to
960 the site, when demonstrated to have no practical alternative, may be located closer to the
961 property line;

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

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

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

971 a. motocross;

972 b. autocross;

973 c. skidpad;

974 d. garage;

975 e. driving school; and

976 f. fire station.

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

979 26. Transit comfort facility shall:

980 a. only be located outside of the urban growth area boundary;

981 b. be exempt from street setback requirements; and

982 c. be no more than 200 square feet in size.

983 27.a. Required for all new, modified, or expanded fossil fuel facilities.

984 Modification or expansion includes, but is not limited to:

985 (1) new uses or fuel types within existing facilities;

986 (2) changes to the type of refining, manufacturing, or processing;

987 (3) changes in the methods or volumes of storage or transport of raw
988 materials or processed products;

989 (4) changes in the location of the facilities on-site;

990 (5) replacement of existing facilities;

991 (6) increases in power or water demands; or

992 (7) increases in production capacity.

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

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

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

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

1000 (3) an analysis of the potential social and economic impacts and benefits to
1001 jurisdictions and local communities receiving or surrounding the facility;

1002 (4) an analysis of alternatives to the facility, including location, conservation,
1003 demand management and other strategies;

1004 (5) an analysis of economic and environmental impacts, including mitigation,
1005 of any similar existing facilities and of any new site(s) under consideration as an
1006 alternative to expansion of an existing facility;

1007 (6) an extensive public involvement strategy that strives to effectively engage
1008 a wide range of racial, ethnic, cultural, and socioeconomic groups, including
1009 communities that are the most impacted;

1010 (7) considered evaluation of any applicable prior review conducted by a
1011 public agency, local government, or stakeholder group; and

1012 (8) a greenhouse gas impact analysis prepared by the applicant, the results of
1013 which shall be used to identify and mitigate the impacts of such facilities.

1014 d.(((1))) As part of permit application submittal, the applicant shall
1015 demonstrate financial responsibility meeting the requirements of 21A.XX (the new
1016 chapter created by Section 15 of this ordinance). The financial responsibility shall be
1017 reviewed as part of the facility's periodic review under K.C.C. 21A.22.050. ((in an
1018 amount necessary to compensate for the cost of decommissioning, and for the maximum
1019 damages that might occur from an explosion resulting from a worst-case release, as
1020 defined in the 40 C.F.R. Sec. 68.3, of flammable gases and flammable liquids.

1021 ~~—(2) The amount of financial responsibility necessary to compensate for~~
1022 ~~damages that might occur from an explosion shall be determined by the director based on~~
1023 ~~a study of the maximum potential damages. The study shall:~~

1024 ~~(a) incorporate the volume of oils, gases, refrigerants and other flammable~~
1025 ~~or explosive chemicals stored, used or generated within the facility;~~

1026 ~~(b) consider such matters as: the frequency of facility operations; facility~~
1027 ~~layout and vegetation that could cause flammable vapor accumulation; the damages that~~
1028 ~~could result from the explosion to public and private structures onsite and offsite, public~~
1029 ~~infrastructure and environmental resources and functions; and the potential loss of life~~
1030 ~~and injury to persons onsite and to members of the public;~~

1031 ~~(c) include modeling and disclosure of a nil or very low wind condition~~
1032 ~~vapor cloud explosion scenario;~~

1033 ~~(d) be prepared by a person accredited in vapor cloud explosion analysis, or~~
1034 ~~an equally qualified individual as authorized by the director, at the applicant's expense;~~

1035 ~~and~~

1036 ~~(e) undergo third party validation by a qualified entity to be hired upon~~
1037 ~~mutual agreement of the applicant and the department, at the applicant's expense.~~

1038 ~~(3) The amount of financial responsibility necessary to compensate for~~
1039 ~~facility decommissioning shall be determined by the director based on a~~
1040 ~~decommissioning plan for the closure of the facility. The plan shall include, but need not~~
1041 ~~be limited to, the following:~~

1042 ~~(a) listing of the hazardous substances, as defined in RCW 70A.305.020,~~
1043 ~~that will be stored, handled or generated within the facility; the range of potential release~~
1044 ~~volumes requiring cleanup in the event of failures of technological or safety catchment~~
1045 ~~features; and whether such releases have the potential to contaminate groundwater or~~
1046 ~~surface waters on or adjacent to the site;~~

1047 ~~(b) the range of cleanup activities that would be required to address such~~
1048 ~~hazardous substances;~~

1049 ~~(c) detailed estimates of the cost to implement the plan, including~~
1050 ~~conducting cleanup and facility closure, based on the cost of hiring a third party to~~
1051 ~~conduct all activities. All cost estimates must be in current dollars and may not include a~~
1052 ~~net present value adjustment or offsets for salvage value of wastes or other property; and~~

1053 ~~(d) methods for estimating closure costs.~~

1054 ~~(4)(a) Financial responsibility shall be provided for the duration of fossil fuel~~
1055 ~~facility operations, to be verified in periodic review of the facilities in keeping with~~
1056 ~~K.C.C. chapter 21A.22. Financial responsibility required by this subsection B.27.e. may~~
1057 ~~be established by any one of, or a combination of, the following methods acceptable to~~
1058 ~~the department:~~

1059 ~~i. evidence of insurance;~~

1060 ~~ii. surety bonds issued by a bonding company authorized to do business in~~
1061 ~~the United States; and~~

1062 ~~iii. other evidence of financial responsibility deemed acceptable by the~~
1063 ~~department.~~

1064 ~~(b) Self bonding, as defined in the 30 C.F.R. Sec. 800.5, shall not be an~~
1065 ~~accepted method of providing financial responsibility.~~

1066 ~~(5) Where enforcement of this subsection B.27.e. would conflict with chapter~~
1067 ~~36.32 RCW, the director may request the applicant to sign an agreement to complete~~
1068 ~~retention of required financial responsibility consistent with K.C.C. 27A.30.060, in an~~
1069 ~~amount equivalent to that indicated by the study of the damages, prior to the issuance of a~~
1070 ~~clearing and grading permit.))~~

1071 e. New, modified, or expanded fossil fuel facilities shall:

1072 (1) not be located within one thousand feet from any schools, medical care
1073 facilities, or places of assembly that have occupancies of greater than one thousand
1074 persons;

1075 (2) not be located within two hundred fifty feet from a regulated wetland or
1076 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the
1077 buffer in K.C.C. chapter 21A.24 shall apply;

1078 (3) maintain an interior setback of at least two hundred feet;

1079 (4) store fossil fuels completely within enclosed structures, tanks, or similar
1080 facilities;

1081 (5) be accessed directly to and from an arterial roadway; and

1082 (6) comply with all applicable regulations in K.C.C. chapter 21A.22.

1083 28. Limited to uses that will not convert more than two acres of farmland or
1084 forestland, or ~~((2.5))~~ two and one-half percent of the farmland or forestland, whichever is
1085 less. If a renewable energy generation system and a battery energy storage system are
1086 proposed on the same site, the two uses combined shall not convert a more than two acres
1087 of farmland or forestland, or two and one-half percent of the farmland or forestland,
1088 whichever is less.

1089 29.a. Before filing an application with the department, the applicant shall hold a
1090 community meeting in accordance with K.C.C. 20.20.035.

1091 b. As part of permit application submittal for non-hydroelectric generation
1092 facilities, the applicant shall submit the following documentation:

1093 (1) an inventory of similar existing facilities in King County and neighboring
1094 counties, including their locations and capacities;

1095 (2) a report demonstrating that the facility would serve a significant portion
1096 of the county or metropolitan region or is part of a statewide or national system;

1097 (3) a forecast of the future needs for the facility;

1098 (4) an analysis of the potential social and economic impacts and benefits to
1099 jurisdictions and local communities receiving or surrounding the facility;

1100 (5) an analysis of alternatives to the facility, including location, conservation,
1101 demand management, and other strategies;

1102 (6) an analysis of economic and environmental impacts, including mitigation,
1103 of any similar existing facilities and of any new site or sites under consideration as an
1104 alternative to expansion of an existing facility;

1105 (7) an extensive public involvement strategy which strives to effectively
1106 engage a wide range of racial, ethnic, cultural and socioeconomic groups, including
1107 communities that are the most impacted;

1108 (8) considered evaluation of any applicable prior review conducted by a
1109 public agency, local government, or stakeholder group; and

1110 (9) a greenhouse gas impact analysis prepared by the applicant, the results of
1111 which shall be used to identify and mitigate the impacts of such facilities.

1112 c.(((4))) As part of permit application submittal, an applicant shall demonstrate
1113 financial responsibility meeting the requirements of 21A.XX (the new chapter created by
1114 Section 15 of this ordinance). ~~((in an amount necessary to compensate for~~
1115 ~~decommissioning, and for the maximum damages that might occur from an explosion~~
1116 ~~resulting from a worst case release, as defined in 40 C.F.R. Sec. 68.3, of flammable gases~~
1117 ~~and flammable liquids.~~

1118 ~~(2) The amount of financial responsibility needed to compensate for damages~~
1119 ~~that might occur from an explosion shall be as determined by the director based on a~~
1120 ~~study of the maximum damages. The study shall:~~

1121 ~~(a) incorporate the volume of oils, gases, refrigerants and other flammable~~
1122 ~~or explosive chemicals stored, used or generated within the facility;~~

1123 ~~(b) consider such matters as: the frequency of facility operations; facility~~
1124 ~~layout and vegetation that could cause flammable vapor accumulation; the damages that~~
1125 ~~could result from the explosion to public and private structures onsite and offsite, public~~
1126 ~~infrastructure and environmental resources and functions; and the potential loss of life~~
1127 ~~and injury to persons onsite and to members of the public;~~

1128 ~~(c) include modeling and disclosure of a nil or very low wind condition~~
1129 ~~vapor cloud explosion scenario;~~

1130 ~~(d) be prepared by a person accredited in vapor cloud explosion analysis, or~~
1131 ~~an equally qualified individual as authorized by the director, at the applicant's expense;~~
1132 ~~and~~

1133 ~~(e) undergo third party validation by a qualified entity to be hired upon~~
1134 ~~mutual agreement of the applicant and the department, at the applicant's expense.~~

1135 ~~(3) The amount of financial responsibility necessary to compensate for~~
1136 ~~facility decommissioning shall be determined by the director based on a~~
1137 ~~decommissioning plan for the closure of the facility. The plan shall include, but need not~~
1138 ~~be limited to, the following:~~

1139 ~~(a) listing of the hazardous substances, as defined in RCW 70A.305.020,~~
1140 ~~that will be stored, handled or generated within the facility; the range of potential release~~

1141 ~~volumes requiring cleanup in the event of failures of technological or safety catchment~~
1142 ~~features; and whether such releases have the potential to contaminate groundwater or~~
1143 ~~surface waters on or adjacent to the site;~~

1144 ~~(b) the range of cleanup activities that would be required to address such~~
1145 ~~hazardous substances;~~

1146 ~~(c) detailed estimates of the cost to implement the plan, including~~
1147 ~~conducting cleanup and facility closure, based on the cost of hiring a third party to~~
1148 ~~conduct all activities. All cost estimates must be in current dollars and may not include a~~
1149 ~~net present value adjustment or offsets for salvage value of wastes or other property; and~~

1150 ~~(d) methods for estimating closure costs.~~

1151 ~~(4)(a) Financial responsibility shall be provided for the duration of facility~~
1152 ~~operations, to be verified in the periodic review of the facilities required by subsection~~
1153 ~~B.29.d. of this section. Financial responsibility required by this subsection B.29.e. may~~
1154 ~~be established by any one of, or a combination of, the following methods acceptable to~~
1155 ~~the department:~~

1156 ~~i. evidence of insurance;~~

1157 ~~ii. surety bonds issued by a bonding company authorized to do business in~~
1158 ~~the United States; and~~

1159 ~~iii. other evidence of financial responsibility deemed acceptable by the~~
1160 ~~department.~~

1161 ~~(b) Self-bonding, as defined by 30 C.F.R. Sec. 800.5, shall not be an accepted~~
1162 ~~method of providing financial responsibility.~~

1163 ~~(5) Where enforcement of this subsection B.29.c. would conflict with chapter~~
1164 ~~36.32 RCW, the director may request the applicant to sign an agreement to complete~~
1165 ~~retention of required financial responsibility consistent with K.C.C. 27A.30.060, in an~~
1166 ~~amount equivalent to that indicated by the study of the damages, prior to the issuance of a~~
1167 ~~clearing and grading permit.))~~

1168 d. Non-hydroelectric generation facilities shall be subject to a periodic review
1169 meeting the same standards given in K.C.C. 21A.22.050. The financial responsibility
1170 required by subsection B.29.c. of this section shall be reviewed as part of the periodic
1171 review.

1172 30. Subject to the following conditions:

1173 a. A minimum separation of ten feet shall be maintained between structures
1174 and landscaping or other vegetation.

1175 b. Permanent barriers shall be constructed between areas accessible to vehicles
1176 and structures or buildings containing batteries, to minimize the potential of collision.

1177 c. As part of permit application submittal, battery energy storage systems with
1178 a capacity of one megawatt or greater shall demonstrate financial responsibility in
1179 accordance with the requirements of 21A.XX (the new chapter created by Section 15 of
1180 this ordinance).

1181 d. The applicant shall subsequently submit verification of financial
1182 responsibility to the department every five years, beginning five years from the date of
1183 permit issuance.

1184 ~~((30))~~31.a. For all search and rescue facilities:

1185 (1) the minimum lot size is four and one half acres;

1186 (2) structures and parking areas for search and rescue facilities shall maintain
1187 a minimum distance of seventy-five feet from interior lot lines that adjoin rural area and
1188 residential zones, unless located in a building designated as historic resource under
1189 K.C.C. chapter 20.62;

1190 (3) use of the search and rescue facility is limited to activities directly relating
1191 to the search and rescue organization, except that the facility may be used by law
1192 enforcement and other public emergency responders for training and operations related to
1193 search and rescue activities; and

1194 (4) the applicant must demonstrate the absence of existing search and rescue
1195 facilities that are adequate to conduct search and rescue operations in the rural area.

1196 b. A special use permit is required when helicopter fueling, maintenance, or
1197 storage is proposed.

1198 SECTION 10. Ordinance 10870, Section 354, as amended, and K.C.C.

1199 21A.12.170 are each hereby amended as follows:

1200 Provided that the required setbacks from regional utility corridors of K.C.C.
1201 21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C.
1202 21A.12.160, and the sight distance requirements of K.C.C. 21A.12.210 are maintained,
1203 structures may extend into or be located in required setbacks, including setbacks as
1204 required by K.C.C. 21A.12.220.B, as follows:

1205 A. Fireplace structures, bay or garden windows, enclosed stair landings, closets,
1206 or similar structures may project into any setback, provided such projections are:

- 1207 1. Limited to two per facade;
1208 2. Not wider than ten feet; and

1209 3. Not more than twenty-four inches into an interior setback or thirty inches into
1210 a street setback;

1211 B. Uncovered porches and decks that exceed eighteen inches above the finished
1212 grade may project:

1213 1. Eighteen inches into interior setbacks; and

1214 2. Five feet into the street setback;

1215 C. Uncovered porches and decks not exceeding eighteen inches above the
1216 finished grade may project to the property line;

1217 D. Eaves may not project more than:

1218 1. Eighteen inches into an interior setback;

1219 2. Twenty-four inches into a street setback; or

1220 3. Eighteen inches across a lot line in a zero-lot-line development;

1221 E. Fences with a height of six feet or less may project into or be located in any
1222 setback;

1223 F. Rockeries, retaining walls, and curbs may project into or be located in any
1224 setback. Except for structures that cross the setback perpendicularly to property lines or
1225 that abut a critical area, these structures:

1226 1. Shall not exceed a height of six feet in the R-1 through R-18, UR, RA₂ and
1227 resource zones;

1228 2. Shall not exceed a height of eight feet in the R-24 and R-48 zones; and

1229 3. Shall not exceed the building height for the zone in commercial/industrial

1230 zones, measured in accordance with the standards established in the King County

1231 Building Code, Title 16;

1232 G. Fences located on top of rockeries, retaining walls, or berms are subject to the
1233 requirements of K.C.C. 21A.14.220;

1234 H. Telephone, power, light, and flag poles;

1235 I. The following may project into or be located within a setback, but may only
1236 project into or be located within a five foot interior setback area if an agreement
1237 documenting consent between the owners of record of the abutting properties is recorded
1238 with the records and licensing services division prior to the installment or construction of
1239 the structure:

1240 1. Sprinkler systems, electrical and cellular equipment cabinets, and other
1241 similar utility boxes and vaults, not to include equipment associated with a battery energy
1242 storage system or consumer-scale battery energy storage system;

1243 2. security system access controls;

1244 3. structures, except for buildings, associated with trails and on-site recreation
1245 spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as
1246 benches, picnic tables, and drinking fountains; and

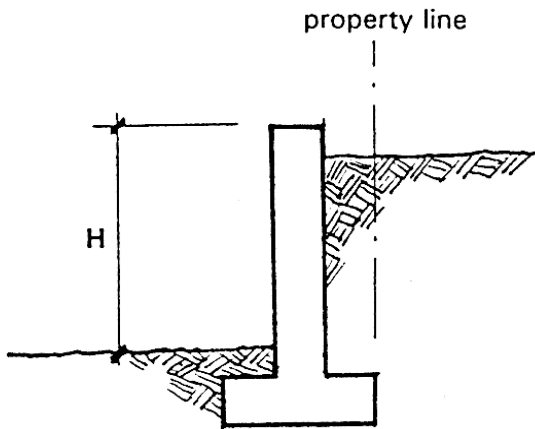
1247 4. Surface water management facilities as required by K.C.C. 9.04;

1248 J. Freestanding air conditioners and heat pumps may project into or be located
1249 within a setback abutting a residential property, but may only be located closer than five
1250 feet of an abutting residential property if an agreement documenting consent between the
1251 owners of record of the abutting properties is recorded with the records and licensing
1252 services division prior to permit issuance.

1253 K. Mailboxes and newspaper boxes may project into or be located within street
1254 setbacks;

- 1255 L. Fire hydrants and associated appendages;
- 1256 M. Metro bus shelters may be located within street setbacks;
- 1257 N. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument
1258 signs four feet or less in height, with a maximum sign area of twenty square feet may
1259 project into or be located within street setbacks;
- 1260 O. On a parcel in the RA zone, in the interior setback that adjoins a property
1261 zoned NB or CB, structures housing refrigeration equipment that extends no more than
1262 ten feet into the setback and is no more than sixty feet in length; and
- 1263 P. Stormwater conveyance and control facilities, both above and below ground,
1264 provided such projections are:
- 1265 1. Consistent with setback, easement, and access requirements specified in the
1266 Surface Water Design Manual; or
- 1267 2. In the absence of said specifications, not within five feet of the property line.

RETAINING WALL IN SETBACK



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

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

1268
1269

1270 SECTION 11. Ordinance 10870, Section 359, as amended, and K.C.C.
1271 21A.12.220 are each hereby amended as follows:

1272 A. The requirements of this section apply to all nonresidential uses located in the
1273 RA, UR, or R zones, except:

1274 1. ~~((Except for utility))~~ Utility facilities~~((;))~~;

1275 2. ~~((uses))~~ Uses listed in K.C.C. 21A.08.100, except that the standards in this
1276 section shall apply to battery energy storage systems~~((;))~~; and

1277 3. ~~((nonresidential))~~ Nonresidential uses regulated by 21A.12.230~~((, all~~
1278 ~~nonresidential uses located in the RA, UR, or R zones shall be subject to the following~~
1279 ~~requirements:))~~.

1280 ~~((A))~~B. Impervious surface coverage shall not exceed:

1281 1. Forty percent of the site in the RA zone.

1282 2. Seventy percent of the site in the UR and the R-1 through R-8 zones.

1283 3. Eighty percent of the site in the R-12 through R-48 zones.

1284 ~~((B))~~C. Buildings and structures, except fences and wire or mesh backstops, shall
1285 not be closer than 30 feet to any property line, except as provided in subsection C.

1286 ~~((C))~~D. Single detached dwelling allowed as accessory to a church or school shall
1287 conform to the setback requirements of the zone.

1288 ~~((D))~~E. Parking areas are permitted within the required setback area from
1289 property lines, provided such parking areas are located outside of the required landscape
1290 area.

1291 ~~((E))~~F. Sites shall abut or be accessible from at least one public street functioning
1292 at a level consistent with King County Road Design Standards. New high school sites
1293 shall abut or be accessible from a public street functioning as an arterial per the King
1294 County Design Standards.

1295 (~~F~~)G. The base height shall conform to the zone in which the use is located.

1296 (~~G~~)H. Building illumination and lighted signs shall be designed so that no direct

1297 rays of light are projected into neighboring residences or onto any street right-of-way.

1298 SECTION 12. Ordinance 10870, Section 388, as amended, and K.C.C.

1299 21A.16.030 are each hereby amended as follows:

1300 To facilitate the application of this chapter, the land uses of K.C.C. chapter

1301 21A.08 have been grouped in the following manner:

1302 A. Residential development refers to those uses listed in K.C.C. 21A.08.030,

1303 except those uses listed under Accessory uses, and:

1304 1. Attached/group residences refers to:

1305 a. townhouses, except as provided in subsection A.2.a. of this section;

1306 b. apartments and detached dwelling units developed on common property at a

1307 density of twelve or more units per acre;

1308 c. senior citizen assisted housing;

1309 d. temporary lodging;

1310 e. group residences other than Type I community residential facilities;

1311 f. mobile home parks; and

1312 2. Single-family development refers to:

1313 a. residential subdivisions and short subdivisions, including attached and

1314 detached dwelling units on individually platted or short platted lots;

1315 b. any detached dwelling units located on a lot including cottage housing units;

1316 and

1317 c. Type I community residential facilities;

- 1318 B. Commercial development refers to those uses in:
- 1319 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;
- 1320 2. K.C.C. 21A.08.050 except recycling centers, health and educational services,
- 1321 daycare I, churches, synagogues and temples, and miscellaneous repair as allowed in the
- 1322 A and RA zones; and
- 1323 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales
- 1324 as allowed in the A, F₂ and RA zones and building, hardware, and garden materials as
- 1325 allowed in the A zones;
- 1326 C. Industrial development refers to those uses listed in:
- 1327 1. K.C.C. 21A.08.050 as recycling center;
- 1328 2. K.C.C. 21A.08.060, except government services and farm product
- 1329 warehousing, refrigeration, and storage as allowed in the A zones;
- 1330 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A
- 1331 and F zones; and
- 1332 4. K.C.C. 21A.08.090 as mineral extraction and processing;
- 1333 D. Institutional development refers to those uses listed in:
- 1334 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;
- 1335 2. K.C.C. 21A.08.050 as churches, synagogues, and temples, health services,
- 1336 and education services except specialized instruction schools permitted as an accessory
- 1337 use;
- 1338 3. K.C.C. 21A.08.060 as government services; and
- 1339 4. Search and rescue facilities.
- 1340 E. Utility development refers to those uses listed in:

1341 1. K.C.C. 21A.08.060 as utility facilities; and

1342 2. K.C.C. 21A.08.100 as battery energy storage systems; and

1343 F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E.
1344 of this section shall not be subject to landscaping and tree retention requirements except
1345 as specified in any applicable review of a conditional use or special use permits, or
1346 reviews conducted in accordance with K.C.C. 21A.42.300.

1347 SECTION 13. Ordinance 10870, Section 390, as amended, and K.C.C.
1348 21A.16.050 are each hereby amended as follows:

1349 The average width of perimeter landscaping along street frontages shall be
1350 provided as follows:

1351 A. Twenty feet of Type II landscaping shall be provided for an institutional use,
1352 excluding playgrounds and playfields;

1353 B. Ten feet of Type II landscaping shall be provided for an industrial
1354 development;

1355 C. Ten feet of Type II landscaping shall be provided for an above-ground utility
1356 ((~~facilities~~)) development, excluding distribution and transmission corridors, located
1357 outside a public right-of-way;

1358 D. Ten feet of Type III landscaping shall be provided for a commercial or
1359 attached/group residence development; and

1360 E. For single family subdivisions and short subdivisions in the urban growth area:

1361 1. Trees shall be planted at the rate of one tree for every forty feet of frontage
1362 along all public streets;

1363 2. The trees shall be:

1364 a. Located within the street right-of-way if permitted by the custodial state or
1365 local agency;

1366 b. No more than twenty feet from the street right-of-way line if located within
1367 a lot;

1368 c. Maintained by the adjacent landowner unless part of a county maintenance
1369 program; and

1370 d. A species approved by the county if located within the street right-of way
1371 and compatible with overhead utility lines.

1372 3. The trees may be spaced at irregular intervals to accommodate sight distance
1373 requirements for driveways and intersections.

1374 SECTION 14. Ordinance 10870, Section 391, as amended, and K.C.C.

1375 21A.16.060 are each hereby amended as follows:

1376 The average width of perimeter landscaping along interior lot lines shall be
1377 provided as follows:

1378 A. Twenty feet of Type I landscaping shall be included in a commercial or
1379 industrial development along any portion adjacent to a residential development;

1380 B. Five feet of Type II landscaping shall be included in an attached/group
1381 residence development, except that along portions of the development adjacent to
1382 property developed with single detached residences or vacant property that is zoned RA,
1383 UR or R(1-8), the requirement shall be ten feet of Type II landscaping;

1384 C. Ten feet of Type II landscaping shall be included in an industrial development
1385 along any portion adjacent to a commercial or institutional development; and

1386 D. Ten feet of Type II landscaping shall be included in;

- 1387 1. ~~((an))~~An institutional use, excluding ~~((of))~~ playgrounds and playfields((-); or
1388 2. ~~((an))~~An above-ground utility ~~((facility))~~ development, excluding distribution
1389 or transmission corridors, when located outside a public right-of-way.

1390 NEW SECTION. SECTION 15. Section 16 of this ordinance should constitute a
1391 new chapter in K.C.C. Title 21A.

1392 NEW SECTION. SECTION 16.

1393 A. When required by K.C.C. 21A.08, uses shall demonstrate financial
1394 responsibility as follows:

1395 1. Financial responsibility shall be in an amount necessary to compensate for the
1396 cost of decommissioning, and for the maximum damages that might occur from an
1397 explosion resulting from a worst-case release, as defined in the 40 C.F.R. Sec. 68.3, of
1398 flammable gases and flammable liquids.

1399 2. The amount of financial responsibility necessary to compensate for damages
1400 that might occur from an explosion shall be determined by the director based on a study
1401 of the maximum potential damages. The study shall:

1402 a. incorporate the volume of oils, gases, refrigerants, and other flammable or
1403 explosive chemicals stored, used, or generated within the facility;

1404 b. consider such matters as: the frequency of facility operations; facility layout
1405 and vegetation that could cause flammable vapor accumulation; the damages that could
1406 result from the explosion to public and private structures onsite and offsite; public
1407 infrastructure and environmental resources and functions; and the potential loss of life
1408 and injury to persons onsite and to members of the public;

1409 c. include modeling and disclosure of a nil or very low wind condition vapor
1410 cloud explosion scenario;

1411 d. be prepared by a person accredited in vapor cloud explosion analysis, or an
1412 equally qualified individual as authorized by the director, at the applicant's expense; and

1413 e. undergo third-party validation by a qualified entity to be hired upon mutual
1414 agreement of the applicant and the department, at the applicant's expense.

1415 3. The amount of financial responsibility necessary to compensate for facility
1416 decommissioning shall be determined by the director based on a decommissioning plan
1417 for the closure of the facility. The plan shall include, but need not be limited to, the
1418 following:

1419 a. listing of the hazardous substances, as defined in RCW 70A.305.020, that
1420 will be stored, handled, or generated within the facility; the range of potential release
1421 volumes requiring cleanup in the event of failures of technological or safety catchment
1422 features; and whether such releases have the potential to contaminate groundwater or
1423 surface waters on or adjacent to the site;

1424 b. the range of cleanup activities that would be required to address such
1425 hazardous substances;

1426 c. detailed estimates of the cost to implement the plan, including conducting
1427 cleanup and facility closure, based on the cost of hiring a third party to conduct all
1428 activities. All cost estimates must be in current dollars and may not include a net present
1429 value adjustment or offsets for salvage value of wastes or other property; and

1430 d. methods for estimating closure costs.

1431 4. Financial responsibility shall be provided for the duration of facility
1432 operations, to be periodically reviewed, if required, in the manner prescribed for the use
1433 in K.C.C. 21A.08.

1434 5.a. Financial responsibility required by this subsection chapter may be
1435 established by any one of, or a combination of, the following methods acceptable to the
1436 department:

1437 (1) evidence of insurance;

1438 (2) surety bonds issued by a bonding company authorized to do business in
1439 the United States; and

1440 (3) other evidence of financial responsibility deemed acceptable by the
1441 department.

1442 b. Self-bonding, as defined in the 30 C.F.R. Sec. 800.5, shall not be an
1443 accepted method of providing financial responsibility.

1444 6. Where enforcement of this chapter would conflict with chapter 36.32 RCW,
1445 the director may request the applicant to sign an agreement to complete retention of
1446 required financial responsibility consistent with K.C.C. 27A.30.060, in an amount

1447 equivalent to that indicated by the study of the damages, prior to the issuance of a
1448 clearing and grading permit.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None

J. Tracy
BESS Striker 7.10.24

Sponsor: Perry

[J. Tracy]

Proposed No.: 2023-0263

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2023-0263, VERSION**

2 **1**

3 On page 1, beginning on line 19, strike everything through page 76, line 1448, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. Battery energy storage systems play a crucial role in modern energy
7 supply by providing efficient and flexible storage for electricity generated from
8 renewable energy sources, such as solar and wind power. They help address the
9 intermittent nature of these sources by storing excess electricity during times of
10 low demand and releasing it when demand is high. That enhances grid stability
11 and reliability when implemented on a region-wide scale, and increases the
12 reliability of electricity supply for individual uses when installed to back up
13 consumer-scale renewable energy generation systems.

14 B. The use of battery energy storage systems has been rapidly increasing
15 worldwide due to advancements in battery technology, decreasing costs,
16 heightened electricity demand, and the growing adoption of renewable energy
17 generation. The deployment of battery energy storage systems has undergone

18 substantial growth in recent years, driven by both utility-scale installations and
19 distributed systems at residential, commercial, and industrial levels.

20 C. By making renewable energy sources more reliable, battery energy
21 storage systems are important in helping King County meet its Strategic Climate
22 Action Plan goal of reducing greenhouse gas emissions in the county by eighty
23 percent by 2050. To this end, the 2020 Strategic Climate Action Plan sets a target
24 of building one hundred megawatts of battery energy storage per utility serving
25 King County by 2030, and 200 megawatts of battery energy storage per utility
26 serving King County by 2045.

27 D. To meet that target and the county's overall climate goals, it is
28 important that battery energy storage systems be deployed at all scales, from
29 accessory residential uses of a few kilowatts up to utility-scale systems of one
30 hundred or more megawatts. Those larger systems consisting of hundreds of
31 megawatts require large sites that are typically only found in the rural area and
32 natural resource lands.

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

40 F. While battery energy storage systems offer the advantages cited in
41 subsections A. through E. of this section, there are also potential risks associated
42 with the technology. Thermal incidents have been reported at battery energy
43 storage facilities in the United States and abroad.

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

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

60 I. It is also important that battery energy storage system operators have
61 clear emergency response plans if a thermal event occurs. State law requires fire
62 safety and evacuation plans be in place before commissioning of a battery energy

63 storage system facility. Those plans and their execution protect the community,
64 the environment, and first responders if there is a thermal event at a facility. This
65 ordinance further requires confirmation that the plans have been shared with the
66 local fire jurisdiction to ensure that there is close coordination between the
67 operator and first responders.

68 J. Additionally, it is important that battery energy storage system
69 operators have both a plan and financial capacity for decommissioning the system
70 and removing it from the site. State law requires that the decommissioning plan
71 take into account both decommissioning after the normal course of the system's
72 life, as well as decommissioning after a thermal event. Although state law
73 requires a decommissioning plan, it does not guarantee that the operator will have
74 the financial capacity to complete decommissioning and site cleanup. This
75 ordinance therefore requires applicants to carry and maintain financial
76 responsibility sufficient to complete the decommissioning of the battery energy
77 storage system, including removal of all equipment from the site, and completion
78 of any necessary cleanup. After removal from the site, the Washington
79 Administrative Code prescribes the waste disposal processes that must be
80 followed when disposing of the batteries.

81 K. In their "Battery Energy Storage Systems" article in the March 2024
82 edition of the American Planning Association's Zoning Practice magazine, Brian
83 Ross, AICP, and Monika Vadali, PhD, analyzed several zoning ordinances
84 addressing battery energy storage systems, and identified best practices. Pacific
85 Northwest National Laboratory also published a paper in October 2023, titled

86 "Energy Storage in Local Zoning Ordinances," which identified potential impacts
87 from battery energy storage systems and their implications for zoning standards.
88 Taken together, this ordinance, existing county regulations, and state law address
89 all the best practices and potential impacts identified in those articles.

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

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

- 94 A. Administrative offices;
- 95 B. Employee exercise facilities;
- 96 C. Employee food service facilities;
- 97 D. Incidental storage of raw materials and finished products sold or manufactured
98 on-site;
- 99 E. Business owner or caretaker residence;
- 100 F. Cogeneration facilities;
- 101 G. Ground maintenance facilities; ~~((and))~~
- 102 H. Consumer-scale renewable energy systems; and
- 103 I. Battery energy storage systems meeting the requirements of K.C.C.
104 21A.08.060.B.41.

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

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

- 109 A. Accessory living quarters and dwellings;
- 110 B. Fallout or bomb shelters;
- 111 C. Keeping household pets or operating a hobby cattery or hobby kennel;
- 112 D. On-site rental office;
- 113 E. Pools, private docks, or piers;
- 114 F. Antennae for private telecommunication services;
- 115 G. Storage of yard maintenance equipment;
- 116 H. Storage of private vehicles, such as motor vehicles, boats, trailers, or planes;
- 117 I. Greenhouses;
- 118 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas
- 119 required under K.C.C. 21A.14.190;
- 120 K. Home occupations and home industries under K.C.C. chapter 21A.30; ~~((and))~~
- 121 L. Consumer-scale renewable energy systems; and
- 122 M. Battery energy storage systems meeting the requirements of K.C.C.
- 123 21A.08.030.B.7.

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

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

- 128 A. Housing of agricultural workers;
- 129 B. Storage of agricultural products or equipment used on site; ~~((and))~~
- 130 C. Consumer-scale renewable energy systems; and

131 D. Battery energy storage systems meeting the requirements of K.C.C.

132 21A.08.090.B.

133 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 21A.06

134 a new section to read as follows:

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

142 SECTION 6. Ordinance 10870, Section 330, as amended, and K.C.C.

143 21A.08.030 are each hereby amended as follows:

144 A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
		A	F	M		RA	UR	R1-8	R12	NB	CB	RB	O	I
SIC #	SPECIFIC LAND USE													
	DWELLING UNITS, TYPES:													
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P15					
*	Townhouse				C4	C4	P11	P	P3	P3	P3	P3		

							C12						
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home Park				S13		C8	P					
*	Cottage Housing						P15						
	GROUP RESIDENCES:												
*	Community Residential Facility-I				C	C	P14. a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						P14. b	P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home Occupation	P18	P1 8		P18	P18	P18	P18	P18	P18	P18	P18	
*	Home Industry	C			C	C	C						
	TEMPORARY LODGING:												
7011	Hotel/Motel (1)									P	P	P	
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10		
7041	Organization Hotel/Lodging Houses						P17				P		

145

B. Development conditions.

146

1. Except bed and breakfast guesthouses.

- 147 2. In the forest production district, the following conditions apply:
- 148 a. Site disturbance associated with development of any new residence shall be
149 limited to three acres. Site disturbance shall mean all land alterations including, but not
150 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
151 disposal systems, and driveways. Additional site disturbance for agriculture, including
152 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
153 approved only if a farm management plan is prepared in accordance with K.C.C. chapter
154 21A.30. Animal densities shall be based on the area devoted to animal care and not the
155 total area of the lot;
- 156 b. A forest management plan shall be required for any new residence in the
157 forest production district, that shall be reviewed and approved by the King County
158 department of natural resources and parks before building permit issuance; and
- 159 c. The forest management plan shall incorporate a fire protection element that
160 includes fire safety best management practices developed by the department.
- 161 3. Only as part of a mixed use development subject to the conditions of K.C.C.
162 chapter 21A.14, except that in the NB zone on properties with a land use designation of
163 commercial outside of center (CO) in the urban areas, stand-alone townhouse
164 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
165 21A.14.180.
- 166 4. Only in a building listed on the National Register as an historic site or
167 designated as a King County landmark subject to K.C.C. chapter 21A.32.
- 168 5.a. In the R-1 zone, apartment units are permitted, if:

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

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

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

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

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

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

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

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

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

187 (b) the lot must meet the minimum lot area for the applicable zone if located
188 in the rural area but not in a rural town, except that if one transferable development right
189 is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter
190 21A.37, a detached accessory dwelling unit is allowed on a RA-5 zoned lot that is two
191 and one-half acres or greater;

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

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

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

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

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

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

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

209 (7) The primary dwelling unit or the accessory dwelling unit shall be
210 occupied either by the owner of the primary dwelling unit or by an immediate family
211 member of the owner. Immediate family members are limited to spouses, siblings,
212 parents, grandparents, children, and grandchildren, either by blood, adoption, or
213 marriage, of the owner. The accessory dwelling unit shall be converted to another

214 permitted use or shall be removed if neither dwelling unit is occupied by the owner or an
215 immediate family member;

216 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
217 approved by the department of executive services, records and licensing services
218 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
219 The applicant shall submit proof that the notice was filed before the department approves
220 any permit for the construction of the accessory dwelling unit. The required contents and
221 form of the notice shall be set forth in administrative rules;

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

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

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

229 b. Accessory living quarters:

230 (1) are limited to one per lot;

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

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

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

236 (5) are not allowed in the F zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

269 14.a. Limited to domestic violence shelter facilities.

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

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

273 a. Developments shall contain only cottage housing units with no fewer than
274 three units. If the site contains an existing home that is not being demolished, the
275 existing house is not required to comply with the height limitation in K.C.C.
276 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B.;

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

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

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

- 283 a. The lot must have legally existed before March 1, 2005;
- 284 b. The lot has a Comprehensive Plan land use designation of Rural
- 285 Neighborhood Commercial Center or Rural Area; and
- 286 c. The standards of this title for the RA-5 zone shall apply.
- 287 17. Only in the R-1 zone as an accessory to a golf facility and consistent with
- 288 K.C.C. 21A.08.040.
- 289 18. Allowed if consistent with K.C.C. chapter 21A.30.
- 290 SECTION 7. Ordinance 10870, Section 333, as amended, and K.C.C.
- 291 21A.08.060 are each hereby amended as follows:
- 292 A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P

*	Utility Facility	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P29 C2 8 and 33	P29 C28	P29 C2 8	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	BUSINESS SERVICES:												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage (38)												P
*	Log Storage (38)		P		P26 and 33								P
47	Transportation Service												P39

473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16
7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20a	P20b	P21	P20 a	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			<u>P4</u>	P22				P22	P22	<u>P41</u>	<u>P41</u>	<u>P41</u>
				<u>1</u>	<u>P41</u>				<u>P41</u>	<u>P41</u>			

*	Helistop				40	C23	C2 33	C23	C23	C23	C24	C23	C24
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- 293 B. Development conditions.
- 294 1. Except self-service storage.
- 295 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 296 Educational Research, see general business service/office.
- 297 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
- 298 subject to K.C.C. chapter 21A.32; or
- 299 b. only when accessory to a fire facility and the office is no greater than one
- 300 thousand five hundred square feet of floor area.
- 301 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 302 21A.32.
- 303 5. New utility office locations only if there is no commercial/industrial zoning
- 304 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 305 no feasible alternative location is possible, and provided further that this condition
- 306 applies to the UR zone only if the property is located within a designated unincorporated
- 307 Rural Town.
- 308 6.a. All buildings and structures shall maintain a minimum distance of twenty
- 309 feet from property lines adjoining rural area and residential zones;
- 310 b. Any buildings from which fire-fighting equipment emerges onto a street
- 311 shall maintain a distance of thirty-five feet from such street;
- 312 c. No outdoor storage; and
- 313 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
- 314 feasible alternative location is possible.

- 315 7. Limited to storefront police offices. Such offices shall not have:
- 316 a. holding cells;
- 317 b. suspect interview rooms (except in the NB zone); or
- 318 c. long-term storage of stolen properties.
- 319 8. Private stormwater management facilities serving development proposals
- 320 located on commercial/industrial zoned lands shall also be located on
- 321 commercial/industrial lands, unless participating in an approved shared facility drainage
- 322 plan. Such facilities serving development within an area designated urban in the King
- 323 County Comprehensive Plan shall only be located in the urban area.
- 324 9. No outdoor storage of materials.
- 325 10. Limited to office uses.
- 326 11. Limited to self-service household moving truck or trailer rental accessory to
- 327 a gasoline service station.
- 328 12. Limited to self-service household moving truck or trailer rental accessory to
- 329 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
- 330 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
- 331 14. Accessory to an apartment development of at least twelve units provided:
- 332 a. The gross floor area in self service storage shall not exceed the total gross
- 333 floor area of the apartment dwellings on the site;
- 334 b. All outdoor lights shall be deflected, shaded, and focused away from all
- 335 adjoining property;
- 336 c. The use of the facility shall be limited to dead storage of household goods;

- 337 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers, or
338 similar equipment;
- 339 e. No outdoor storage or storage of flammable liquids, highly combustible or
340 explosive materials, or hazardous chemicals;
- 341 f. No residential occupancy of the storage units;
- 342 g. No business activity other than the rental of storage units; and
- 343 h. A resident director shall be required on the site and shall be responsible for
344 maintaining the operation of the facility in conformance with the conditions of approval.
- 345 i. Before filing an application with the department, the applicant shall hold a
346 community meeting in accordance with K.C.C. 20.20.035.
- 347 15. Repealed.
- 348 16. Only as an accessory use to another permitted use.
- 349 17. No outdoor storage.
- 350 18. Only as an accessory use to a public agency or utility yard, or to a transfer
351 station.
- 352 19. Limited to new commuter parking lots designed for thirty or fewer parking
353 spaces or commuter parking lots located on existing parking lots for churches, schools, or
354 other permitted nonresidential uses that have excess capacity available during
355 commuting; provided that the new or existing lot is adjacent to a designated arterial that
356 has been improved to a standard acceptable to the department of local services;
- 357 20.a. No tow-in lots for damaged, abandoned, or otherwise impounded vehicles,
358 and

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

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

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

363 (3) limited to no more than ten vehicles.

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

366 22. Storage limited to accessory storage of commodities sold at retail on the
367 premises or materials used in the fabrication of commodities sold on the premises.

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

371 24. Allowed as accessory to an allowed use.

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

374 26. Limited to two acres or less.

375 27a. Utility yards only on sites with utility district offices; or

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

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

380 29. Excluding local distribution gas storage tanks.

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

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

387 32. Provided:

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

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

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

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

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

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

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

406 36. Repealed.

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

410 38. If the farm product warehousing, refrigeration and storage, or log storage, is
411 associated with agriculture activities it will be reviewed in accordance with K.C.C.
412 21A.08.090.

413 39. Excluding fossil fuel facilities.

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

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

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

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

424 SECTION 8. Ordinance 10870, Section 335, as amended, and K.C.C.

425 21A.08.080 are hereby amended to read as follows:

426 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 C		P2 C
*	Winery/Brewery /Distillery Facility I				P32								
*	Winery/Brewery /Distillery Facility II	P3			P3 C30				P17	P17	P29		P31
	Winery/Brewery /Distillery Facility III	C12			C12				C29	C29	C29		C31
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	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	P
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
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

427

B. Development conditions.

428 1. Repealed.

429 2. Except slaughterhouses.

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

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

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

447 d. Structures and parking areas for winery, brewery, distillery facility uses
448 shall maintain a minimum distance of seventy-five feet from interior property lines
449 adjoining rural area and residential zones, unless located in a building designated as
450 historic resource under K.C.C. chapter 20.62, except that on Vashon-Maury Island this

451 setback requirement shall not apply to structures and parking areas in use on December 4,
452 2019, by existing winery, brewery or distillery business locations licensed to produce by
453 the Washington state Liquor and Cannabis Board before January 1, 2019;

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

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

462 g. In the A zone, structures and area for non-agricultural winery, brewery,
463 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
464 for agricultural purposes, such as areas within the already developed portion of such
465 agricultural lands that are not available for direct agricultural production, or areas without
466 prime agricultural soils. No more than one acre of agricultural land may be converted to
467 a nonagricultural accessory use;

468 h. Tasting and retail sales of products produced on-site may occur only as
469 accessory to the primary winery, brewery, distillery production use and may be provided
470 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
471 limited to no more than thirty percent of the aggregated floor area and shall be included
472 in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation
473 on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury

474 Island to winery, brewery, or distillery business locations in use and licensed to produce
475 by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites
476 in the RA zone that contain a building designated as historic resource under K.C.C.
477 chapter 20.62. Incidental retail sales of merchandise related to the products produced on-
478 site is allowed subject to the restrictions described in this subsection B.3. Hours of
479 operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
480 Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through
481 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to
482 11:00 a.m. through 9:00 p.m.;

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

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

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

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

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

- 497 4. Limited to rough milling and planing of products grown on-site with portable
498 equipment.
- 499 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
500 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
501 minimum site area is four and one-half acres.
- 502 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
503 No. 2431-Millwork, (excluding planing mills).
- 504 7. Limited to photocopying and printing services offered to the general public.
- 505 8. Only within enclosed buildings, and as an accessory use to retail sales.
- 506 9. Only within enclosed buildings.
- 507 10. Limited to boat building of craft not exceeding forty-eight feet in length.
- 508 11. For I-zoned sites located outside the urban growth area designated by the
509 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
510 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
511 rural industrial uses as set forth in K.C.C. chapter 21A.12.
- 512 12.a. In the A zone, only allowed on sites where the primary use is SIC Industry
513 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
514 Animals;
- 515 b. The aggregated floor area of structures and areas for winery, brewery,
516 distillery facility uses shall not exceed a total of eight thousand square feet. Decks that
517 are not occupied and not open to the public are excluded from the calculation for
518 maximum aggregated floor area;

519 c. Only allowed on lots of at least four and one-half acres. If the aggregated
520 floor area of structures for winery, brewery, distillery uses exceeds six thousand square
521 feet, the minimum site area shall be ten acres;

522 d. Wineries, breweries and distilleries shall comply with Washington state
523 Department of Ecology and King County board of health regulations for water usage and
524 wastewater disposal, and must connect to an existing Group A water system. The
525 definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and
526 provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

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

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

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

539 h. In the A zone, structures and areas for non-agricultural winery, brewery,
540 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
541 for agricultural purposes, such as areas within the already developed portion of such

542 agricultural lands that are not available for direct agricultural production, or areas without
543 prime agricultural soils. No more than one acre of agricultural land may be converted to
544 a nonagricultural accessory use;

545 i. Tasting and retail sales of products produced on-site may occur only as
546 accessory to the primary winery, brewery, distillery production use and may be provided
547 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
548 limited to no more than thirty percent of the aggregated floor area and shall be included
549 in the aggregated floor area limitation in subsection B.12.b. and c. of this section.

550 Incidental retail sales of merchandise related to the products produced on-site is allowed
551 subject to the restrictions described in this subsection. Hours of operation for on-site
552 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
553 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and
554 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
555 through 9:00 p.m.;

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

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

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

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

564 and

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

569 13. Only on the same lot or same group of lots under common ownership or
570 documented legal control, which includes, but is not limited to, fee simple ownership, a
571 long-term lease or an easement:

572 a. as accessory to a primary forestry use and at a scale appropriate to process
573 the organic waste generated on the site; or

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

577 14. Only on the same lot or same group of lots under common ownership or
578 documented legal control, which includes, but is not limited to, fee simple ownership, a
579 long-term lease or an easement:

580 a. as accessory to a primary mineral use; or

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

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

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

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

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

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

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

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

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

608 18. Limited to:

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

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

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

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

617 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
618 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

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

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

624 b. SIC Industry No. 2411-Logging.

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

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

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

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

630 d. Only with documentation that the operator has applied for a Puget Sound
631 Clean Air Agency Notice of Construction Permit. All department permits issued to either

632 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
633 Clean Air Agency Notice of Construction Permit be approved before marijuana products
634 are imported onto the site; and

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

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

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

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

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

647 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
648 every marijuana-related entity occupying space in addition to the two-thousand-square-
649 foot threshold area on that lot shall obtain a conditional use permit as set forth in
650 subsection B.22. of this section.

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

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

655 c. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.; and
656 d. Only with documentation that the operator has applied for a Puget Sound
657 Clean Air Agency Notice of Construction Permit. All department permits issued to either
658 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
659 Clean Air Agency Notice of Construction Permit be approved before marijuana products
660 are imported onto the site.

661 23.a. Only in the CB and RB zones located inside the urban growth area;
662 b. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.;
663 c. Only with documentation that the operator has applied for a Puget Sound
664 Clean Air Agency Notice of Construction Permit. All department permits issued to either
665 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
666 Clean Air Agency Notice of Construction Permit be approved before marijuana products
667 are imported onto the site;

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

671 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
672 every marijuana-related entity occupying space in addition to the two-thousand-square-
673 foot threshold area on that lot shall obtain a conditional use permit as set forth in
674 subsection B.24. of this section.

675 24.a. Only in the CB and RB zones located inside the urban growth area;
676 b. With a lighting plan, only if required by K.C.C. 21A.12.220.~~((G-))~~H.;

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

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

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

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

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

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

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

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

703 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
704 Island, that do not require a conditional use permit issued by King County, that receive a
705 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
706 and that King County did not object to within the Washington state Liquor and Cannabis
707 Board marijuana license application process, shall be considered nonconforming as to
708 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
709 21A.32.075 for nonconforming uses;

710 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.~~((G-))~~H;

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

716 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
717 Island;

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

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

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

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

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

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

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

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

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

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

744 b. The aggregated floor area of structures and areas for winery, brewery,

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

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

755 d. Tasting and retail sales of products produced on-site may only occur as
756 accessory to the primary winery, brewery, distillery production use and may be provided
757 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
758 limited to no more than thirty percent of the aggregated floor area and shall be included
759 in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental
760 retail sales of merchandise related to the products produced on-site is allowed subject to
761 the restrictions described in this subsection. Hours of operation for on-site tasting of
762 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,
763 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,
764 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00
765 p.m.;

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

767 f. Off-street parking is limited to a maximum of one hundred fifty percent of

768 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

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

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

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

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

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

785 b. Tasting and retail sale of products produced on-site and merchandise related
786 to the products produced on-site may be provided in accordance with state law. The area
787 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred
788 square feet;

789 c. Structures and parking areas for brewery and distillery facility uses shall
790 maintain a minimum distance of seventy-five feet from interior property lines adjoining

791 rural area and residential zones, unless located in a building designated as historic
792 resource under K.C.C. chapter 20.62;

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

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

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

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

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

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

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

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

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

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

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

825 SECTION 9. Ordinance 10870, Section 336, as amended, and K.C.C.
 826 21A.08.090 are each hereby amended as follows:

827 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M		RA	UR	R1 -8	R1 2- 48	NB	CB	RB	O
SIC#	SPECIFIC LAND USE												
12	Coal Mining												
13	Oil and Gas Extraction												
	AGRICULTURE:												

01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P							P
*	Agricultural Activities	P2 4C	P2 4C		P24 C	P24 C							
*	Agricultural Support Services	P2 5C	P2 5C		P26 C	P26 C	P2 6C		P27 C28	P27 C28			
*	Marijuana producer	P1 5 C2 2			P16 C17					P18 C19	P18 C19		P20 C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P1 2											
*	Agricultural Anaerobic Digester	P1 3											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P

*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10, 14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P2 3 <u>P2</u> <u>2</u>	P4 <u>2</u> <u>2</u>	P5 <u>2</u> <u>2</u>	P3 <u>P29</u> <u>P29</u>	P3 <u>P29</u> <u>P29</u>							P4 <u>P29</u>
*	Farm Worker Housing	P1 4			P14								

828

B. Development conditions.

829

1. May be further subject to K.C.C. chapter 21A.25.

830

2. Only forest research conducted within an enclosed building.

831

3. Farm residences in accordance with K.C.C. 21A.08.030.

832

4. Excluding housing for agricultural workers.

833

5. Limited to either maintenance or storage facilities, or both, in conjunction

834

with mineral extraction or processing operation.

835

6. Allowed in accordance with K.C.C. chapter 21A.30.

836

7. Only in conjunction with a mineral extraction site plan approved in

837

accordance with K.C.C. chapter 21A.22.

838 8. Only on the same lot or same group of lots under common ownership or
839 documented legal control, which includes, but is not limited to, fee simple ownership, a
840 long-term lease or an easement:

841 a. as accessory to a primary mineral extraction use;

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

844 c. for a public works project under a temporary grading permit issued in
845 accordance with K.C.C. 16.82.152.

846 9. Limited to mineral extraction and processing:

847 a. on a lot or group of lots under common ownership or documented legal control,
848 which includes but is not limited to, fee simple ownership, a long-term lease or an
849 easement;

850 b. that are located greater than one-quarter mile from an established residence;

851 and

852 c. that do not use local access streets that abut lots developed for residential
853 use.

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

856 a. The impervious surface associated with the agriculture training facilities
857 shall comprise not more than ten percent of the allowable impervious surface permitted
858 under K.C.C. 21A.12.040;

859 b. New or the expansion of existing structures, or other site improvements,
860 shall not be located on class 1, 2 or 3 soils;

861 c. The director may require reuse of surplus structures to the maximum extent
862 practical;

863 d. The director may require the clustering of new structures with existing
864 structures;

865 e. New structures or other site improvements shall be set back a minimum
866 distance of seventy-five feet from property lines adjoining rural area and residential
867 zones;

868 f. Bulk and design of structures shall be compatible with the architectural style
869 of the surrounding agricultural community;

870 g. New sewers shall not be extended to the site;

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

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

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

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

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

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

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

890 (1) passive recreation;

891 (2) training of individuals who will work at the camp;

892 (3) special events for families of the campers; and

893 (4) agriculture education for youth.

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

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

902 d.(1) The minimum site area shall be five hundred acres. Unless the property
903 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
904 of this section, a minimum of five hundred acres of the site must be owned by a single

905 individual, corporation, partnership, or other legal entity and must remain under the
906 ownership of a single individual, corporation, partnership, or other legal entity for the
907 duration of the operation of the camp.

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

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

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

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

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

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

- 928 j. Incidental uses, such as office and storage, shall be limited to those that
929 directly support camp activities, farm operations, or agricultural education programs;
- 930 k. New nonagricultural camp structures and site improvements shall maintain a
931 minimum set-back of seventy-five feet from property lines adjoining rural area and
932 residential zones;
- 933 l. Except for legal nonconforming structures existing as of January 1, 2007,
934 camp facilities, such as a medical station, food service hall, and activity rooms, shall be
935 of a scale to serve overnight camp users;
- 936 m. Landscaping equivalent to a type III landscaping screen, as provided for in
937 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
938 and site improvements located within two hundred feet of an adjacent rural area and
939 residential zoned property not associated with the camp;
- 940 n. New sewers shall not be extended to the site;
- 941 o. The total number of persons staying overnight shall not exceed three
942 hundred;
- 943 p. The length of stay for any individual overnight camper, not including camp
944 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
- 945 q. Traffic generated by camp activities shall not impede the safe and efficient
946 movement of agricultural vehicles nor shall it require capacity improvements to rural
947 roads;
- 948 r. If the site is adjacent to an arterial roadway, access to the site shall be
949 directly onto the arterial unless the county road engineer determines that direct access is
950 unsafe;

- 951 s. If direct access to the site is via local access streets, transportation
952 management measures shall be used to minimize adverse traffic impacts;
- 953 t. Camp recreational activities shall not involve the use of motor vehicles
954 unless the motor vehicles are part of an agricultural activity or are being used for the
955 transportation of campers, camp personnel, or the families of campers. Camp personnel
956 may use motor vehicles for the operation and maintenance of the facility. Client-specific
957 motorized personal mobility devices are allowed; and
- 958 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
959 light away from any adjacent property.
- 960 13. Limited to digester receiving plant and animal and other organic waste from
961 agricultural activities, and including electrical generation, as follows:
- 962 a. the digester must be included as part of a Washington state Department of
963 Agriculture approved dairy nutrient plan;
- 964 b. the digester must process at least seventy percent livestock manure or other
965 agricultural organic material from farms in the vicinity, by volume;
- 966 c. imported organic waste-derived material, such as food processing waste,
967 may be processed in the digester for the purpose of increasing methane gas production for
968 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
969 and
- 970 d. the use must be accessory to an operating dairy or livestock operation.
- 971 14. Farm worker housing. Either:
- 972 a. Temporary farm worker housing subject to the following conditions:

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

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

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

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

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

987 (1) Not more than:

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

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

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

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

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

998 (3) The applicant shall file with the department of executive services, records
999 and licensing services division, a notice approved by the department that identifies the
1000 agricultural employee dwelling units as accessory and that the dwelling units shall only
1001 be occupied by agricultural employees who are employed by the owner or operator year-
1002 round. The notice shall run with the land. The applicant shall submit to the department
1003 proof that the notice was filed with the department of executive services, records and
1004 licensing services division, before the department approves any permit for the
1005 construction of agricultural employee dwelling units;

1006 (4) An agricultural employee dwelling unit shall not exceed a floor area of
1007 one thousand square feet and may be occupied by no more than eight unrelated
1008 agricultural employees;

1009 (5) To the maximum extent practical, the housing should be located on
1010 nonfarmable areas that are already disturbed;

1011 (6) One off-street parking space shall be provided for each agricultural
1012 employee dwelling unit; and

1013 (7) The agricultural employee dwelling units shall be constructed in
1014 compliance with K.C.C. Title 16.

1015 15. Marijuana production by marijuana producers licensed by the Washington
1016 state Liquor and Cannabis Board is subject to the following standards:

1017 a. Only allowed on lots of at least four and one-half acres;

1018 b. With a lighting plan, only if required by and that complies with K.C.C.
1019 21A.12.220.~~(G)~~H;

1020 c. Only with documentation that the operator has applied for a Puget Sound
1021 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1022 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1023 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1024 are imported onto the site;

1025 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1026 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1027 subject to the size limitations in subsection B.15.e. of this section;

1028 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1029 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1030 aggregated total of two thousand square feet and shall be located within a fenced area or
1031 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1032 may occur in nondwelling unit structures that exist as of October 1, 2013;

1033 f. Outdoor production area fencing as required by the Washington state Liquor
1034 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1035 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
1036 feet; and

1037 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
1038 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
1039 marijuana-related entity occupying space in addition to the two-thousand-square-foot

1040 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
1041 B.22. of this section.

1042 16. Marijuana production by marijuana producers licensed by the Washington
1043 state Liquor and Cannabis Board is subject to the following standards:

1044 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
1045 that do not require a conditional use permit issued by King County, that receive a
1046 Washington state Liquor and Cannabis Board license business before October 1, 2016,
1047 and that King County did not object to within the Washington state Liquor and Cannabis
1048 Board marijuana license application process, shall be considered nonconforming as to
1049 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020
1050 through 21A.32.075 for nonconforming uses;

1051 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
1052 21A.12.220.~~(G.)~~H.;

1053 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1054 Island;

1055 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1056 except on Vashon-Maury Island;

1057 e. Only with documentation that the operator has applied for a Puget Sound
1058 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1059 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1060 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1061 are imported onto the site;

1062 f. Production is limited to outdoor, indoor within marijuana greenhouses, and within
1063 nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations
1064 in subsection B.16.g. of this section; and

1065 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1066 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1067 aggregated total of two thousand square feet and shall be located within a fenced area or
1068 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
1069 may occur in nondwelling unit structures that exist as of October 1, 2013;

1070 h. Outdoor production area fencing as required by the Washington state Liquor
1071 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
1072 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
1073 of one hundred fifty feet from any existing residence; and

1074 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
1075 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
1076 entity occupying space in addition to the two-thousand-square-foot threshold area on that
1077 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1078 17. Marijuana production by marijuana producers licensed by the Washington
1079 state Liquor and Cannabis Board is subject to the following standards:

1080 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
1081 Island;

1082 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1083 except on Vashon-Maury Island;

1084 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
1085 21A.12.220.~~((G-))~~H.;

1086 d. Only with documentation that the operator has applied for a Puget Sound
1087 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1088 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1089 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1090 are imported onto the site;

1091 e. Production is limited to outdoor and indoor within marijuana greenhouses subject to
1092 the size limitations in subsection B.17.f. of this section;

1093 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1094 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1095 aggregated total of thirty thousand square feet and shall be located within a fenced area or
1096 marijuana greenhouse that is no more than ten percent larger than that combined area;
1097 and

1098 g. Outdoor production area fencing as required by the Washington state Liquor
1099 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
1100 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
1101 of one hundred fifty feet from any existing residence.

1102 18.a. Production is limited to indoor only;

1103 b. With a lighting plan only as required by and that complies with K.C.C.
1104 21A.12.220.~~((G-))~~H.;

1105 c. Only with documentation that the operator has applied for a Puget Sound
1106 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1107 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1108 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1109 are imported onto the site; and

1110 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1111 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1112 aggregated total of two thousand square feet and shall be located within a building or
1113 tenant space that is no more than ten percent larger than the plant canopy and separately
1114 authorized processing area; and

1115 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1116 every marijuana-related entity occupying space in addition to the two-thousand-square
1117 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1118 subsection B.19. of this section.

1119 19.a. Production is limited to indoor only;

1120 b. With a lighting plan only as required by and that complies with K.C.C.
1121 21A.12.220.~~(G)~~H;

1122 c. Only with documentation that the operator has applied for a Puget Sound
1123 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1124 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1125 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1126 are imported onto the site; and

1127 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1128 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1129 aggregated total of thirty thousand square feet and shall be located within a building or

1130 tenant space that is no more than ten percent larger than the plant canopy and separately
1131 authorized processing area.

1132 20.a. Production is limited to indoor only;

1133 b. With a lighting plan only as required by and that complies with K.C.C.

1134 21A.12.220.~~((G-))~~H.;

1135 c. Only with documentation that the operator has applied for a Puget Sound
1136 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1137 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1138 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1139 are imported onto the site;

1140 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1141 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1142 aggregated total of two thousand square feet and shall be located within a building or
1143 tenant space that is no more than ten percent larger than the plant canopy and separately
1144 authorized processing area; and

1145 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1146 every marijuana-related entity occupying space in addition to the two-thousand-square-
1147 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1148 subsection B.21. of this section.

1149 21.a. Production is limited to indoor only;

1150 b. With a lighting plan only as required by and that complies with K.C.C.

1151 21A.12.220.~~((G-))~~H.;

1152 c. Only with documentation that the operator has applied for a Puget Sound
1153 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1154 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1155 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1156 are imported onto the site; and

1157 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
1158 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1159 aggregated total of thirty thousand square feet and shall be located within a building or
1160 tenant space that is no more than ten percent larger than the plant canopy and separately
1161 authorized processing area.

1162 22. Marijuana production by marijuana producers licensed by the Washington
1163 state Liquor and Cannabis Board is subject to the following standards:

1164 a. With a lighting plan only as required by and that complies with K.C.C.
1165 21A.12.220.~~(G)~~H;

1166 b. Only allowed on lots of at least four and one-half acres;

1167 c. Only with documentation that the operator has applied for a Puget Sound
1168 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1169 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1170 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1171 are imported onto the site;

1172 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
1173 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1174 subject to the size limitations in subsection B.22. e. and f. of this section;

1175 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC
1176 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall
1177 be limited to a maximum aggregated total of five thousand square feet and shall be
1178 located within a fenced area or marijuana greenhouse that is no more than ten percent
1179 larger than that combined area, or may occur in nondwelling unit structures that exist as
1180 of October 1, 2013;

1181 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
1182 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
1183 limited to a maximum aggregated total of ten thousand square feet, and shall be located
1184 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
1185 that combined area, or may occur in nondwelling unit structures that exist as of October
1186 1, 2013; and

1187 g. Outdoor production area fencing as required by the Washington state Liquor
1188 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
1189 maintain a minimum street setback of fifty feet and a minimum interior setback of one
1190 hundred feet, and a minimum setback of one hundred fifty feet from any existing
1191 residence.

1192 23. The storage and processing of non-manufactured source separated organic
1193 waste that originates from agricultural operations and that does not originate from the
1194 site, if:

1195 a. agricultural is the primary use of the site;

1196 b. the storage and processing are in accordance with best management
1197 practices included in an approved farm plan; and

1198 c. except for areas used for manure storage, the areas used for storage and
1199 processing do not exceed three acres and ten percent of the site.

1200 24.a. For activities relating to the processing of crops or livestock for
1201 commercial purposes, including associated activities such as warehousing, storage,
1202 including refrigeration, and other similar activities and excluding winery, brewery,
1203 distillery facility I, II, III and remote tasting room:

1204 (1) limited to agricultural products and sixty percent or more of the products
1205 processed must be grown in the Puget Sound counties. At the time of initial application,
1206 the applicant shall submit a projection of the source of products to be produced;

1207 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1208 half acres;

1209 (3)(a) as a permitted use, the floor area devoted to all processing shall not
1210 exceed two thousand square feet, unless located in a building designated as an historic
1211 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
1212 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
1213 floor area as follows: up to three thousand five hundred square feet of floor area may be
1214 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
1215 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in
1216 the A zone; and

1217 (b) as a permitted use, the floor area devoted to all warehousing,
1218 refrigeration, storage, or other similar activities shall not exceed two thousand square
1219 feet, unless located in a building designated as historic resource under K.C.C. chapter
1220 20.62. The agricultural technical review committee, as established in K.C.C.

1221 21A.42.300, may review and approve an increase of up to three thousand five hundred
1222 square feet of floor area devoted to all warehouseing, storage, including refrigeration, or
1223 other similar activities in the RA zones, or on farms less than thirty-five acres located in
1224 the A zones, or up to seven thousand square feet on farms greater than thirty-five acres in
1225 the A zone;

1226 (4) in the A zone, structures and areas used for processing, warehousing,
1227 ~~((refrigeration))~~ refrigeration, storage, and other similar activities shall be located on
1228 portions of agricultural lands that are unsuitable for other agricultural purposes, such as
1229 areas within the already developed portion of such agricultural lands that are not
1230 available for direct agricultural production, or areas without prime agricultural soils; and

1231 (5) structures and areas used for processing, warehousing, storage, including
1232 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
1233 five feet from property lines adjoining rural area and residential zones, unless located in a
1234 building designated as historic resource under K.C.C. chapter 20.62.

1235 b. For activities relating to the retail sale of agricultural products, except
1236 livestock:

1237 (1) sales shall be limited to agricultural products and locally made arts and
1238 crafts;

1239 (2) in the RA and UR zones, only allowed on sites at least four and one-half
1240 acres;

1241 (3) as a permitted use, the covered sales area shall not exceed two thousand
1242 square feet, unless located in a building designated as a historic resource under K.C.C.
1243 chapter 20.62. The agricultural technical review committee, as established in K.C.C.

1244 21A.42.300, may review and approve an increase of up to three thousand five hundred
1245 square feet of covered sales area;

1246 (4) forty percent or more of the gross sales of agricultural product sold
1247 through the store must be sold by the producers of primary agricultural products;

1248 (5) sixty percent or more of the gross sales of agricultural products sold
1249 through the store shall be derived from products grown or produced in the Puget Sound
1250 counties. At the time of the initial application, the applicant shall submit a reasonable
1251 projection of the source of product sales;

1252 (6) tasting of products, in accordance with applicable health regulations, is
1253 allowed;

1254 (7) storage areas for agricultural products may be included in a farm store
1255 structure or in any accessory building; and

1256 (8) outside lighting is permitted if there is no off-site glare.

1257 c. Retail sales of livestock is permitted only as accessory to raising livestock.

1258 d. Farm operations, including equipment repair and related facilities, except
1259 that:

1260 (1) the repair of tools and machinery is limited to those necessary for the
1261 operation of a farm or forest;

1262 (2) in the RA and UR zones, only allowed on sites of at least four and one-
1263 half acres;

1264 (3) the size of the total repair use is limited to one percent of the farm size in
1265 the A zone, and up to one percent of the size in other zones, up to a maximum of five

1266 thousand square feet unless located within an existing farm structure, including but not
1267 limited to barns, existing as of December 31, 2003; and

1268 (4) Equipment repair shall not be permitted in the Forest zone.

1269 e. The agricultural technical review committee, as established in K.C.C.

1270 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
1271 residential zones and minimum setbacks from rural and residential zones.

1272 25. The department may review and approve establishment of agricultural
1273 support services in accordance with the code compliance review process in K.C.C.

1274 21A.42.300 only if:

1275 a. project is sited on lands that are unsuitable for direct agricultural production
1276 based on size, soil conditions, or other factors and cannot be returned to productivity by
1277 drainage maintenance; and

1278 b. the proposed use is allowed under any Farmland Preservation Program
1279 conservation easement and zoning development standards.

1280 26. The agricultural technical review committee, as established in K.C.C.
1281 21A.42.300, may review and approve establishment of agricultural support services only
1282 if the project site:

1283 a. adjoins or is within six hundred sixty feet of the agricultural production
1284 district;

1285 b. has direct vehicular access to the agricultural production district;

1286 c. except for farmworker housing, does not use local access streets that abut
1287 lots developed for residential use; and

1288 b. has a minimum lot size of four and one-half acres.

1289 27. The agricultural technical review committee, as established in K.C.C.
 1290 21A.42.300, may review and approve establishment of agricultural support services only
 1291 if the project site:

- 1292 a. is outside the urban growth area,
- 1293 b. adjoins or is within six hundred sixty feet of the agricultural production
 1294 district,
- 1295 c. has direct vehicular access to the agricultural production district,
- 1296 d. except for farmworker housing, does not use local access streets that abut
 1297 lots developed for residential use; and
- 1298 e. has a minimum lot size of four and one-half acres.

1299 28. Only allowed on properties that are outside the urban growth area.

1300 29. Battery energy storage systems are considered a resource accessory use
 1301 when the total system capacity is two megawatts or less, and:

1302 (1) the system provides electricity for on-site use only, with "on-site use"
 1303 including net metering as well as charging of vehicles on-site or in the right-of-way
 1304 immediately adjacent to the site; or

1305 (2) the system is intended primarily for on-site use, but also participates in
 1306 load sharing or another grid-connected electricity-sharing arrangement.

1307 SECTION 10. Ordinance 10870, Section 337, as amended, and K.C.C.

1308 21A.08.100 are each hereby amended as follows:

1309 A. Regional 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 (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))				((C 30 S30)								
*	Non((-)hydroelectric Generation Facility	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	C12 S29	P12 S29
*	Renewable Energy Generation Facility	C28	C28	C	C	C	C	C	C	C	C	C	C
*	Fossil Fuel Facility												S27
*	<u>Battery Energy Storage System (30)</u>		<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
*	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
*	<u>Search and Rescue Facility</u>				<u>C31</u> <u>S31</u>								
*	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								

1310

B. Development conditions.

1311

1. Except technical institutions. See vocational schools on general services land

1312

use table, K.C.C. 21A.08.050.

1313

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

1314

3. Except weapons armories and outdoor shooting ranges.

1315

4. Except outdoor shooting range.

1316

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

1317

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

1318

b. Limited to one satellite dish antenna.

1319

c. Limited to tower consolidations.

1320

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

1321

practices or for emergency landing sites.

1322

8. Except racing of motorized vehicles.

1323

9. Limited to wildlife exhibit.

1324

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

- 1325 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
1326 21A.32.
- 1327 12. Limited to gas extraction as an accessory use to a waste management
1328 process, such as wastewater treatment, landfill waste management, livestock manure and
1329 composting processes.
- 1330 13. Excluding impoundment of water using a dam.
- 1331 14. Limited to facilities that comply with the following:
- 1332 a. Any new diversion structure shall not:
- 1333 (1) exceed a height of eight feet as measured from the streambed; or
1334 (2) impound more than three surface acres of water at the normal maximum
1335 surface level;
- 1336 b. There shall be no active storage;
- 1337 c. The maximum water surface area at any existing dam or diversion shall not
1338 be increased;
- 1339 d. An exceedance flow of no greater than fifty percent in mainstream reach
1340 shall be maintained;
- 1341 e. Any transmission line shall be limited to a:
- 1342 (1) right-of-way of five miles or less; and
1343 (2) capacity of two hundred thirty KV or less;
- 1344 f. Any new, permanent access road shall be limited to five miles or less; and
1345 g. The facility shall only be located above any portion of the stream used by
1346 anadromous fish.

1347 15. For I-zoned sites located outside the urban growth area designated by the
1348 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
1349 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
1350 prohibited. All other uses, including waste water treatment facilities, shall be subject to
1351 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

1352 16. The operator of such a facility shall provide verification to the department of
1353 natural resources and parks or its successor organization that the facility meets or exceeds
1354 the standards of the Animal and Plant Health Inspection Service of the United States
1355 Department of Agriculture and the accreditation guidelines of the American Zoo and
1356 Aquarium Association.

1357 17. The following provisions of the table apply only to major communication
1358 facilities. Minor communication facilities shall be reviewed in accordance with the
1359 processes and standard outlined in K.C.C. chapter 21A.27.

1360 18. Only for facilities related to resource-based research.

1361 19. Limited to work release facilities associated with natural resource-based
1362 activities.

1363 20. Limited to projects which do not require or result in an expansion of sewer
1364 service outside the urban growth area, unless a finding is made that no cost-effective
1365 alternative technologies are feasible, in which case a tightline sewer sized only to meet
1366 the needs of the school bus base and serving only the school bus base may be used.
1367 Renovation, expansion, modernization, or reconstruction of a school bus base is
1368 permitted but shall not require or result in an expansion of sewer service outside the
1369 urban growth area, unless a finding is made that no cost-effective alternative technologies

1370 are feasible, in which case a tightline sewer sized only to meet the needs of the school bus
1371 base.

1372 21. Only in conformance with the King County Site Development Plan Report,
1373 through modifications to the plan of up to ten percent are allowed for the following:

1374 a. building square footage;

1375 b. landscaping;

1376 c. parking;

1377 d. building height; or

1378 e. impervious surface.

1379 22. A special use permit shall be required for any modification or expansion of
1380 the King County fairgrounds facility that is not in conformance with the King County
1381 Site Development Plan Report or that exceeds the allowed modifications to the plan
1382 identified in subsection B.21. of this section.

1383 23. The facility shall be primarily devoted to rural public infrastructure
1384 maintenance and is subject to the following conditions:

1385 a. The minimum site area shall be ten acres, unless:

1386 (1) the facility is a reuse of a public agency yard; or

1387 (2) the site is separated from a county park by a street or utility right-of-way;

1388 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
1389 between any stockpiling or grinding operations and adjacent residential zoned property;

1390 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
1391 between any office and parking lots and adjacent residential zoned property;

1392 d. Access to the site does not use local access streets that abut residential zoned
1393 property, unless the facility is a reuse of a public agency yard;

1394 e. Structural setbacks from property lines shall be as follows:

1395 (1) Buildings, structures, and stockpiles used in the processing of materials
1396 shall be no closer than:

1397 (a) one hundred feet from any residential zoned properties, except that the
1398 setback may be reduced to fifty feet when the grade where the building or structures are
1399 proposed is fifty feet or greater below the grade of the residential zoned property;

1400 (b) fifty feet from any other zoned property, except when adjacent to a
1401 mineral extraction or materials processing site;

1402 (c) the greater of fifty feet from the edge of any public street or the setback
1403 from residential zoned property on the far side of the street; and

1404 (2) Offices, scale facilities, equipment storage buildings, and stockpiles shall
1405 not be closer than fifty feet from any property line except when adjacent to M or F zoned
1406 property or when a reuse of an existing building. Facilities necessary to control access to
1407 the site, when demonstrated to have no practical alternative, may be located closer to the
1408 property line;

1409 f. On-site clearing, grading or excavation, excluding that necessary for
1410 required access, roadway, or storm drainage facility construction, shall not be permitted
1411 within fifty feet of any property line except along any portion of the perimeter adjacent to
1412 M or F zoned property. If native vegetation is restored, temporary disturbance resulting
1413 from construction of noise attenuation features located closer than fifty feet shall be
1414 permitted; and

1415 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

1416 24. The following accessory uses to a motor race track operation are allowed if

1417 approved as part of the special use permit:

1418 a. motocross;

1419 b. autocross;

1420 c. skidpad;

1421 d. garage;

1422 e. driving school; and

1423 f. fire station.

1424 25. Regional transit authority facilities shall be exempt from setback and height

1425 requirements.

1426 26. Transit comfort facility shall:

1427 a. only be located outside of the urban growth area boundary;

1428 b. be exempt from street setback requirements; and

1429 c. be no more than 200 square feet in size.

1430 27.a. Required for all new, modified, or expanded fossil fuel facilities.

1431 Modification or expansion includes, but is not limited to:

1432 (1) new uses or fuel types within existing facilities;

1433 (2) changes to the type of refining, manufacturing, or processing;

1434 (3) changes in the methods or volumes of storage or transport of raw

1435 materials or processed products;

1436 (4) changes in the location of the facilities on-site;

1437 (5) replacement of existing facilities;

1438 (6) increases in power or water demands; or
1439 (7) increases in production capacity.

1440 b. Before filing an application with the department, the applicant shall hold a
1441 community meeting in accordance with K.C.C. 20.20.035.

1442 c. As part of permit application submittal for new, modified, or expanded fossil
1443 fuel facilities, the applicant shall submit the following documentation:

1444 (1) an inventory of similar existing facilities in King County and neighboring
1445 counties, including their locations and capacities;

1446 (2) a forecast of the future needs for the facility;

1447 (3) an analysis of the potential social and economic impacts and benefits to
1448 jurisdictions and local communities receiving or surrounding the facility;

1449 (4) an analysis of alternatives to the facility, including location, conservation,
1450 demand management and other strategies;

1451 (5) an analysis of economic and environmental impacts, including mitigation,
1452 of any similar existing facilities and of any new site(s) under consideration as an
1453 alternative to expansion of an existing facility;

1454 (6) an extensive public involvement strategy that strives to effectively engage
1455 a wide range of racial, ethnic, cultural, and socioeconomic groups, including
1456 communities that are the most impacted;

1457 (7) considered evaluation of any applicable prior review conducted by a
1458 public agency, local government, or stakeholder group; and

1459 (8) a greenhouse gas impact analysis prepared by the applicant, the results of
1460 which shall be used to identify and mitigate the impacts of such facilities.

1461 d.~~((1))~~) As part of permit application submittal, the applicant shall
1462 demonstrate financial responsibility ~~((in an amount necessary to compensate for the cost~~
1463 ~~of decommissioning, and for the maximum damages that might occur from an explosion~~
1464 ~~resulting from a worst case release, as defined in the 40 C.F.R. Sec. 68.3, of flammable~~
1465 ~~gases and flammable liquids.~~

1466 ~~(2) The amount of financial responsibility necessary to compensate for~~
1467 ~~damages that might occur from an explosion shall be determined by the director based on~~
1468 ~~a study of the maximum potential damages. The study shall:~~

1469 ~~(a) incorporate the volume of oils, gases, refrigerants and other flammable~~
1470 ~~or explosive chemicals stored, used or generated within the facility;~~

1471 ~~(b) consider such matters as: the frequency of facility operations; facility~~
1472 ~~layout and vegetation that could cause flammable vapor accumulation; the damages that~~
1473 ~~could result from the explosion to public and private structures onsite and offsite, public~~
1474 ~~infrastructure and environmental resources and functions; and the potential loss of life~~
1475 ~~and injury to persons onsite and to members of the public;~~

1476 ~~(c) include modeling and disclosure of a nil or very low wind condition~~
1477 ~~vapor cloud explosion scenario;~~

1478 ~~(d) be prepared by a person accredited in vapor cloud explosion analysis, or~~
1479 ~~an equally qualified individual as authorized by the director, at the applicant's expense;~~

1480 and

1481 ~~(e) undergo third party validation by a qualified entity to be hired upon~~
1482 ~~mutual agreement of the applicant and the department, at the applicant's expense.~~

1483 ~~(3) The amount of financial responsibility necessary to compensate for~~
1484 ~~facility decommissioning shall be determined by the director based on a~~
1485 ~~decommissioning plan for the closure of the facility. The plan shall include, but need not~~
1486 ~~be limited to, the following:~~

1487 ~~(a) listing of the hazardous substances, as defined in RCW 70A.305.020,~~
1488 ~~that will be stored, handled or generated within the facility; the range of potential release~~
1489 ~~volumes requiring cleanup in the event of failures of technological or safety catchment~~
1490 ~~features; and whether such releases have the potential to contaminate groundwater or~~
1491 ~~surface waters on or adjacent to the site;~~

1492 ~~(b) the range of cleanup activities that would be required to address such~~
1493 ~~hazardous substances;~~

1494 ~~(c) detailed estimates of the cost to implement the plan, including~~
1495 ~~conducting cleanup and facility closure, based on the cost of hiring a third party to~~
1496 ~~conduct all activities. All cost estimates must be in current dollars and may not include a~~
1497 ~~net present value adjustment or offsets for salvage value of wastes or other property; and~~

1498 ~~(d) methods for estimating closure costs.~~

1499 ~~(4)(a) Financial responsibility shall be provided for the duration of fossil fuel~~
1500 ~~facility operations, to be verified in periodic review of the facilities in keeping with~~
1501 ~~K.C.C. chapter 21A.22. Financial responsibility required by this subsection B.27.e. may~~
1502 ~~be established by any one of, or a combination of, the following methods acceptable to~~
1503 ~~the department:~~

1504 ~~i. evidence of insurance;~~

1505 ii. ~~surety bonds issued by a bonding company authorized to do business in~~
1506 ~~the United States; and~~

1507 iii. ~~other evidence of financial responsibility deemed acceptable by the~~
1508 ~~department.~~

1509 (b) ~~Self bonding, as defined in the 30 C.F.R. Sec. 800.5, shall not be an~~
1510 ~~accepted method of providing financial responsibility.~~

1511 (5) ~~Where enforcement of this subsection B.27.e. would conflict with chapter~~
1512 ~~36.32 RCW, the director may request the applicant to sign an agreement to complete~~
1513 ~~retention of required financial responsibility consistent with K.C.C. 27A.30.060, in an~~
1514 ~~amount equivalent to that indicated by the study of the damages, prior to the issuance of a~~
1515 ~~clearing and grading permit)) meeting the requirements of K.C.C. chapter 21A.XX (the~~
1516 ~~new chapter created by section 16 of this ordinance). The financial responsibility shall be~~
1517 ~~reviewed as part of the facility's periodic review under K.C.C. 21A.22.050.~~

1518 e. New, modified, or expanded fossil fuel facilities shall:

1519 (1) not be located within one thousand feet from any schools, medical care
1520 facilities, or places of assembly that have occupancies of greater than one thousand
1521 persons;

1522 (2) not be located within two hundred fifty feet from a regulated wetland or
1523 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the
1524 buffer in K.C.C. chapter 21A.24 shall apply;

1525 (3) maintain an interior setback of at least two hundred feet;

1526 (4) store fossil fuels completely within enclosed structures, tanks, or similar
1527 facilities;

1528 (5) be accessed directly to and from an arterial roadway; and
1529 (6) comply with all applicable regulations in K.C.C. chapter 21A.22.

1530 28. Limited to uses that will not convert more than two acres of farmland or
1531 forestland, or ~~((2.5))~~ two and one-half percent of the farmland or forestland, whichever is
1532 less.

1533 29.a. Before filing an application with the department, the applicant shall hold a
1534 community meeting in accordance with K.C.C. 20.20.035.

1535 b. As part of permit application submittal for non((-))hydroelectric generation
1536 facilities, the applicant shall submit the following documentation:

1537 (1) an inventory of similar existing facilities in King County and neighboring
1538 counties, including their locations and capacities;

1539 (2) a report demonstrating that the facility would serve a significant portion
1540 of the county or metropolitan region or is part of a statewide or national system;

1541 (3) a forecast of the future needs for the facility;

1542 (4) an analysis of the potential social and economic impacts and benefits to
1543 jurisdictions and local communities receiving or surrounding the facility;

1544 (5) an analysis of alternatives to the facility, including location, conservation,
1545 demand management, and other strategies;

1546 (6) an analysis of economic and environmental impacts, including mitigation,
1547 of any similar existing facilities and of any new site or sites under consideration as an
1548 alternative to expansion of an existing facility;

1549 (7) an extensive public involvement strategy which strives to effectively
1550 engage a wide range of racial, ethnic, cultural and socioeconomic groups, including
1551 communities that are the most impacted;

1552 (8) considered evaluation of any applicable prior review conducted by a
1553 public agency, local government, or stakeholder group; and

1554 (9) a greenhouse gas impact analysis prepared by the applicant, the results of
1555 which shall be used to identify and mitigate the impacts of such facilities.

1556 c.(((1))) As part of permit application submittal, an applicant shall demonstrate
1557 financial responsibility ~~((in an amount necessary to compensate for decommissioning,~~
1558 ~~and for the maximum damages that might occur from an explosion resulting from a~~
1559 ~~worst case release, as defined in 40 C.F.R. Sec. 68.3, of flammable gases and flammable~~
1560 ~~liquids.~~

1561 ~~(2) The amount of financial responsibility needed to compensate for damages~~
1562 ~~that might occur from an explosion shall be as determined by the director based on a~~
1563 ~~study of the maximum damages. The study shall:~~

1564 ~~(a) incorporate the volume of oils, gases, refrigerants and other flammable~~
1565 ~~or explosive chemicals stored, used or generated within the facility;~~

1566 ~~(b) consider such matters as: the frequency of facility operations; facility~~
1567 ~~layout and vegetation that could cause flammable vapor accumulation; the damages that~~
1568 ~~could result from the explosion to public and private structures onsite and offsite, public~~
1569 ~~infrastructure and environmental resources and functions; and the potential loss of life~~
1570 ~~and injury to persons onsite and to members of the public;~~

1571 ~~(c) include modeling and disclosure of a nil or very low wind condition~~
1572 ~~vapor cloud explosion scenario;~~

1573 ~~(d) be prepared by a person accredited in vapor cloud explosion analysis, or~~
1574 ~~an equally qualified individual as authorized by the director, at the applicant's expense;~~
1575 ~~and~~

1576 ~~(e) undergo third party validation by a qualified entity to be hired upon~~
1577 ~~mutual agreement of the applicant and the department, at the applicant's expense.~~

1578 ~~(3) The amount of financial responsibility necessary to compensate for~~
1579 ~~facility decommissioning shall be determined by the director based on a~~
1580 ~~decommissioning plan for the closure of the facility. The plan shall include, but need not~~
1581 ~~be limited to, the following:~~

1582 ~~(a) listing of the hazardous substances, as defined in RCW 70A.305.020,~~
1583 ~~that will be stored, handled or generated within the facility; the range of potential release~~
1584 ~~volumes requiring cleanup in the event of failures of technological or safety catchment~~
1585 ~~features; and whether such releases have the potential to contaminate groundwater or~~
1586 ~~surface waters on or adjacent to the site;~~

1587 ~~(b) the range of cleanup activities that would be required to address such~~
1588 ~~hazardous substances;~~

1589 ~~(c) detailed estimates of the cost to implement the plan, including~~
1590 ~~conducting cleanup and facility closure, based on the cost of hiring a third party to~~
1591 ~~conduct all activities. All cost estimates must be in current dollars and may not include a~~
1592 ~~net present value adjustment or offsets for salvage value of wastes or other property; and~~

1593 ~~(d) methods for estimating closure costs.~~

1594 ~~(4)(a) Financial responsibility shall be provided for the duration of facility~~
1595 ~~operations, to be verified in the periodic review of the facilities required by subsection~~
1596 ~~B.29.d. of this section. Financial responsibility required by this subsection B.29.e. may~~
1597 ~~be established by any one of, or a combination of, the following methods acceptable to~~
1598 ~~the department:~~

1599 ~~i. evidence of insurance;~~

1600 ~~ii. surety bonds issued by a bonding company authorized to do business in~~
1601 ~~the United States; and~~

1602 ~~iii. other evidence of financial responsibility deemed acceptable by the~~
1603 ~~department.~~

1604 ~~(b) Self bonding, as defined by 30 C.F.R. Sec. 800.5, shall not be an accepted~~
1605 ~~method of providing financial responsibility.~~

1606 ~~(5) Where enforcement of this subsection B.29.c. would conflict with chapter~~
1607 ~~36.32 RCW, the director may request the applicant to sign an agreement to complete~~
1608 ~~retention of required financial responsibility consistent with K.C.C. 27A.30.060, in an~~
1609 ~~amount equivalent to that indicated by the study of the damages, prior to the issuance of a~~
1610 ~~clearing and grading permit)) meeting the requirements of K.C.C. chapter 21A.XX (the~~
1611 ~~new chapter created by section 16 of this ordinance).~~

1612 d. Non-hydroelectric generation facilities shall be subject to a periodic review
1613 meeting the same standards given in K.C.C. 21A.22.050. The financial responsibility
1614 required by subsection B.29.c. of this section shall be reviewed as part of the periodic
1615 review.

1616 30. Battery energy storage systems, except those defined as an accessory use
1617 under K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025, are subject to the applicable
1618 permit requirements of subsection A. of this section and the following conditions:

1619 a. A minimum separation of ten feet shall be maintained between rooms or
1620 enclosures containing battery energy storage systems and landscaping or other
1621 vegetation;

1622 b. As part of building permit application submittal, battery energy storage
1623 systems shall demonstrate financial responsibility for public liability and environmental
1624 risks in accordance with K.C.C. chapter 21A.XX (the new chapter created by section 16
1625 of this ordinance) if the total system capacity is more than two megawatts and all three of
1626 the following apply:

1627 (1) the battery technology requires thermal runaway compliance under WAC
1628 51-54A-1207.6;

1629 (2) any individual room, cabinet, container, or other enclosure containing the
1630 system has an energy rating greater than two megawatt-hours, or any two enclosures are
1631 less than ten feet apart; and

1632 (3) the system does not qualify as a remote installation under IFC 1207.8.1.;

1633 c. As part of building permit application submittal, battery energy storage
1634 systems with a total system capacity more than two megawatts shall demonstrate
1635 financial responsibility for decommissioning in accordance with K.C.C. chapter 21A.XX
1636 (the new chapter created by section 16 of this ordinance);

1637 d. If financial responsibility is required by subsection B.30.b. or c. of this
1638 section, the applicant shall submit verification of financial responsibility to the
1639 department every five years, beginning five years from the date of permit issuance;

1640 e. The findings and recommendations of studies, analyses, and testing required
1641 by K.C.C. Title 17, WAC 51-54A-1207, and the International Fire Code, should be
1642 incorporated into the permit conditions for the facility; and

1643 f. As part of application submittal, the applicant shall submit verification that
1644 preliminary fire safety and evacuation plans have been shared with the local fire
1645 protection district. The final plans shall be shared with the local fire protection district
1646 before final inspection approval.

1647 31.a. For all search and rescue facilities:

1648 (1) the minimum lot size is four and one half acres;

1649 (2) structures and parking areas for search and rescue facilities shall maintain
1650 a minimum distance of seventy-five feet from interior lot lines that adjoin rural area and
1651 residential zones, unless located in a building designated as historic resource under
1652 K.C.C. chapter 20.62;

1653 (3) use of the search and rescue facility is limited to activities directly relating
1654 to the search and rescue organization, except that the facility may be used by law
1655 enforcement and other public emergency responders for training and operations related to
1656 search and rescue activities; and

1657 (4) the applicant must demonstrate the absence of existing search and rescue
1658 facilities that are adequate to conduct search and rescue operations in the rural area.

1659 b. A special use permit is required when helicopter fueling, maintenance, or
1660 storage is proposed.

1661 SECTION 11. Ordinance 10870, Section 354, as amended, and K.C.C.

1662 21A.12.170 are each hereby amended as follows:

1663 (~~Provided that~~) If the required setbacks from regional utility corridors of K.C.C.

1664 21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C.

1665 21A.12.160, and the sight distance requirements of K.C.C. 21A.12.210 are maintained,

1666 structures may extend into or be located in required setbacks, including setbacks as

1667 required by K.C.C. 21A.12.220.~~(B)~~ C., as follows:

1668 A. Fireplace structures, bay or garden windows, enclosed stair landings, closets,

1669 or similar structures may project into any setback, provided such projections are:

1670 1. Limited to two per facade;

1671 2. Not wider than ten feet; and

1672 3. Not more than twenty-four inches into an interior setback or thirty inches into

1673 a street setback;

1674 B. Uncovered porches and decks that exceed eighteen inches above the finished

1675 grade may project:

1676 1. Eighteen inches into interior setbacks; and

1677 2. Five feet into the street setback;

1678 C. Uncovered porches and decks not exceeding eighteen inches above the

1679 finished grade may project to the property line;

1680 D. Eaves may not project more than:

1681 1. Eighteen inches into an interior setback;

1682 2. Twenty-four inches into a street setback; or
1683 3. Eighteen inches across a lot line in a zero-lot-line development;
1684 E. Fences with a height of six feet or less may project into or be located in any
1685 setback;
1686 F. Rockeries, retaining walls, and curbs may project into or be located in any
1687 setback. Except for structures that cross the setback perpendicularly to property lines or
1688 that abut a critical area, these structures:
1689 1. Shall not exceed a height of six feet in the R-1 through R-18, UR, RA, and
1690 resource zones;
1691 2. Shall not exceed a height of eight feet in the R-24 and R-48 zones; and
1692 3. Shall not exceed the building height for the zone in commercial/industrial
1693 zones, measured in accordance with the standards established in the King County
1694 Building Code, Title 16;
1695 G. Fences located on top of rockeries, retaining walls, or berms are subject to the
1696 requirements of K.C.C. 21A.14.220;
1697 H. Telephone, power, light, and flag poles;
1698 I. The following may project into or be located within a setback, but may only
1699 project into or be located within a five foot interior setback area if an agreement
1700 documenting consent between the owners of record of the abutting properties is recorded
1701 with the records and licensing services division prior to the installment or construction of
1702 the structure:

1703 1. Sprinkler systems, electrical and cellular equipment cabinets, and other
1704 similar utility boxes and vaults, not to include equipment associated with a battery energy
1705 storage system;

1706 2. security system access controls;

1707 3. Structures, except for buildings, associated with trails and on-site recreation
1708 spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as
1709 benches, picnic tables, and drinking fountains; and

1710 4. Surface water management facilities as required by K.C.C. 9.04;

1711 J. Freestanding air conditioners and heat pumps may project into or be located
1712 within a setback abutting a residential property, but may only be located closer than five
1713 feet of an abutting residential property if an agreement documenting consent between the
1714 owners of record of the abutting properties is recorded with the records and licensing
1715 services division prior to permit issuance.

1716 K. Mailboxes and newspaper boxes may project into or be located within street
1717 setbacks;

1718 L. Fire hydrants and associated appendages;

1719 M. Metro bus shelters may be located within street setbacks;

1720 N. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument
1721 signs four feet or less in height, with a maximum sign area of twenty square feet may
1722 project into or be located within street setbacks;

1723 O. On a parcel in the RA zone, in the interior setback that adjoins a property
1724 zoned NB or CB, structures housing refrigeration equipment that extends no more than
1725 ten feet into the setback and is no more than sixty feet in length; ((and))

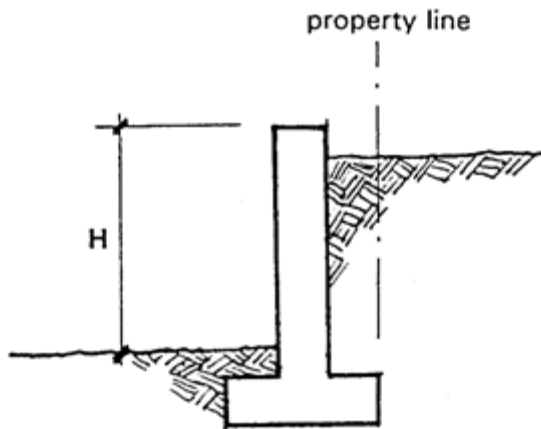
1726 P. Stormwater conveyance and control facilities, both above and below ground,
1727 provided such projections are:

1728 1. Consistent with setback, easement, and access requirements specified in the
1729 Surface Water Design Manual; or

1730 2. In the absence of said specifications, not within five feet of the property
1731 line; and

1732 Q. Equipment associated with a battery energy storage system defined as an
1733 accessory use under K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025 may be located
1734 within a street setback, but only when used solely to supply electricity for electric-
1735 vehicle-charging infrastructure also within the setback or within the adjacent right-of-
1736 way.

RETAINING WALL IN SETBACK



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

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

1737

1738 SECTION 12. Ordinance 10870, Section 359, as amended, and K.C.C.

1739 21A.12.220 are each hereby amended as follows:

1740 A. The requirements of this section apply to all nonresidential uses located in the

1741 RA, UR, or R zones, except:

1742 1. ((Except for a))Utility facilities((,));

1743 2. ~~((A))~~ Uses listed in K.C.C. 21A.08.100, except that the standards in this
1744 section shall apply to battery energy storage systems not defined as accessory uses under
1745 K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025; and

1746 3. ~~((A))~~ Nonresidential uses regulated by 21A.12.230~~((, all nonresidential uses~~
1747 ~~located in the RA, UR, or R zones shall be subject to the following requirements:))~~.

1748 ~~((A-))~~ B. Impervious surface coverage shall not exceed:

1749 1. Forty percent of the site in the RA zone.

1750 2. Seventy percent of the site in the UR and the R-1 through R-8 zones.

1751 3. Eighty percent of the site in the R-12 through R-48 zones.

1752 ~~((B-))~~ C. Buildings and structures, except fences and wire or mesh backstops,
1753 shall not be closer than 30 feet to any property line, except as provided in subsection

1754 ~~((C-))~~ D.

1755 ~~((C-))~~ D. Single detached dwelling allowed as accessory to a church or school
1756 shall conform to the setback requirements of the zone.

1757 ~~((D-))~~ E. Parking areas are permitted within the required setback area from
1758 property lines, ~~((provided))~~ but only if such parking areas are located outside of the
1759 required landscape area.

1760 ~~((E-))~~ F. Sites shall abut or be accessible from at least one public street
1761 functioning at a level consistent with King County Road Design Standards. New high
1762 school sites shall abut or be accessible from a public street functioning as an arterial per
1763 the King County Design Standards.

1764 ~~((F-))~~ G. The base height shall conform to the zone in which the use is located.

1765 ((G-)) H. Building illumination and lighted signs shall be designed so that no
1766 direct rays of light are projected into neighboring residences or onto any street right-of-
1767 way.

1768 SECTION 13. Ordinance 10870, Section 388, as amended, and K.C.C.

1769 21A.16.030 are each hereby amended as follows:

1770 To facilitate the application of this chapter, the land uses of K.C.C. chapter
1771 21A.08 have been grouped in the following manner:

1772 A. Residential development refers to those uses listed in K.C.C. 21A.08.030,
1773 except those uses listed under Accessory uses, and:

1774 1. Attached/group residences refers to:

1775 a. townhouses, except as provided in subsection A.2.a. of this section;

1776 b. apartments and detached dwelling units developed on common property at a
1777 density of twelve or more units per acre;

1778 c. senior citizen assisted housing;

1779 d. temporary lodging;

1780 e. group residences other than Type I community residential facilities;

1781 f. mobile home parks; and

1782 2. Single-family development refers to:

1783 a. residential subdivisions and short subdivisions, including attached and

1784 detached dwelling units on individually platted or short platted lots;

1785 b. any detached dwelling units located on a lot including cottage housing units;

1786 and

1787 c. Type I community residential facilities;

1788 B. Commercial development refers to those uses in:

1789 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;

1790 2. K.C.C. 21A.08.050 except recycling centers, health and educational services,

1791 daycare I, churches, synagogues and temples, and miscellaneous repair as allowed in the

1792 A and RA zones; and

1793 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales

1794 as allowed in the A, F₂ and RA zones and building, hardware, and garden materials as

1795 allowed in the A zones;

1796 C. Industrial development refers to those uses listed in:

1797 1. K.C.C. 21A.08.050 as recycling center;

1798 2. K.C.C. 21A.08.060, except government services and farm product

1799 warehousing, refrigeration, and storage as allowed in the A zones;

1800 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A

1801 and F zones; and

1802 4. K.C.C. 21A.08.090 as mineral extraction and processing;

1803 D. Institutional development refers to those uses listed in:

1804 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;

1805 2. K.C.C. 21A.08.050 as churches, synagogues, and temples, health services,

1806 and education services except specialized instruction schools permitted as an accessory

1807 use;

1808 3. K.C.C. 21A.08.060 as government services; and

1809 4. Search and rescue facilities((-));

1810 E. Utility development refers to those uses listed in:

1811 1. K.C.C. 21A.08.060 as utility facilities; and
1812 2. K.C.C. 21A.08.100 as battery energy storage systems, except those defined as
1813 accessory uses under K.C.C. 21A.06.015, 21A.06.020, or 21A.06.025; and

1814 F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E.
1815 of this section shall not be subject to landscaping and tree retention requirements except
1816 as specified in any applicable review of a conditional use or special use permits, or
1817 reviews conducted in accordance with K.C.C. 21A.42.300.

1818 SECTION 14. Ordinance 10870, Section 390, as amended, and K.C.C.
1819 21A.16.050 are each hereby amended as follows:

1820 The average width of perimeter landscaping along street frontages shall be
1821 provided as follows:

1822 A. Twenty feet of Type II landscaping shall be provided for an institutional use,
1823 excluding playgrounds and playfields;

1824 B. Ten feet of Type II landscaping shall be provided for an industrial
1825 development;

1826 C. Ten feet of Type II landscaping shall be provided for an above-ground utility
1827 ((~~facilities~~)) development, excluding distribution and transmission corridors, located
1828 outside a public right-of-way;

1829 D. Ten feet of Type III landscaping shall be provided for a commercial or
1830 attached/group residence development; and

1831 E. For single family subdivisions and short subdivisions in the urban growth area:

1832 1. Trees shall be planted at the rate of one tree for every forty feet of frontage
1833 along all public streets;

- 1834 2. The trees shall be:
- 1835 a. Located within the street right-of-way if permitted by the custodial state or
- 1836 local agency;
- 1837 b. No more than twenty feet from the street right-of-way line if located within
- 1838 a lot;
- 1839 c. Maintained by the adjacent landowner unless part of a county maintenance
- 1840 program; and
- 1841 d. A species approved by the county if located within the street right-of way
- 1842 and compatible with overhead utility lines.
- 1843 3. The trees may be spaced at irregular intervals to accommodate sight distance
- 1844 requirements for driveways and intersections.

1845 SECTION 15. Ordinance 10870, Section 391, as amended, and K.C.C.

1846 21A.16.060 are each hereby amended as follows:

1847 The average width of perimeter landscaping along interior lot lines shall be

1848 provided as follows:

1849 A. Twenty feet of Type I landscaping shall be included in a commercial or

1850 industrial development along any portion adjacent to a residential development;

1851 B. Five feet of Type II landscaping shall be included in an attached/group

1852 residence development, except that along portions of the development adjacent to

1853 property developed with single detached residences or vacant property that is zoned RA,

1854 UR or R(1-8), the requirement shall be ten feet of Type II landscaping;

1855 C. Ten feet of Type II landscaping shall be included in an industrial development

1856 along any portion adjacent to a commercial or institutional development; and

1857 D. Ten feet of Type II landscaping shall be included in:

1858 1. ~~((a))~~An institutional use, excluding ~~((e))~~ playgrounds and playfields~~((r))~~; or

1859 2. ~~((a))~~An above-ground utility ~~((facility))~~ development, excluding distribution

1860 or transmission corridors, when located outside a public right-of-way.

1861 NEW SECTION. SECTION 16. Section 17 of this ordinance should constitute a
1862 new chapter in K.C.C. Title 21A.

1863 NEW SECTION. SECTION 17. When required by K.C.C. chapter 21A.08, uses
1864 shall demonstrate financial responsibility as follows:

1865 A. Only for fossil fuel facilities and nonhydroelectric generation facilities, the
1866 applicant shall demonstrate financial responsibility in an amount necessary to compensate
1867 for the maximum damages that might occur from an explosion resulting from a worst-
1868 case release, as defined in 40 C.F.R. Sec. 68.3, of flammable gases and flammable
1869 liquids. The amount of financial responsibility shall be determined by the director based
1870 on a study of the maximum potential damages. The study shall:

1871 1. Incorporate the volume of oils, gases, refrigerants, and other flammable or
1872 explosive chemicals stored, used, or generated within the facility;

1873 2. Consider such matters as:

1874 a. the frequency of facility operations;

1875 b. facility layout and vegetation that could cause flammable vapor
1876 accumulation;

1877 c. the damages that could result from the explosion to public and private
1878 structures onsite and offsite;

1879 d. public infrastructure and environmental resources and functions; and

1880 e. The potential loss of life and injury to persons onsite and to members of the
1881 public;

1882 3. Include modeling and disclosure of a nil or very low wind condition vapor
1883 cloud explosion scenario;

1884 4. Be prepared by a person accredited in vapor cloud explosion analysis, or an
1885 equally qualified individual as authorized by the director, at the applicant's expense; and

1886 5. Undergo third-party validation by a qualified entity to be hired upon mutual
1887 agreement of the applicant and the department, at the applicant's expense;

1888 B. For battery energy storage systems only, the applicant shall demonstrate
1889 financial responsibility for public liability and environmental risks, in an amount of one
1890 million dollars, conditioned upon or responsive to the applicant's payment of damages to
1891 persons and property, up to one million dollars, resulting from or caused by a thermal
1892 event at a battery energy storage system. Nothing in this subsection shall be construed to
1893 limit an applicant from voluntarily obtaining financial responsibility for public liability
1894 and environmental risks in excess of one million dollars.

1895 C. For fossil fuel facilities and nonhydroelectric generation facilities only, the
1896 applicant shall demonstrate financial responsibility in an amount necessary to compensate
1897 for facility decommissioning. The amount of financial responsibility shall be determined
1898 by the director based on a decommissioning plan for the closure of the facility. The plan
1899 shall include, but need not be limited to, the following:

1900 1. Listing of the hazardous substances, as defined in RCW 70A.305.020, that
1901 will be stored, handled, or generated within the facility; the range of potential release
1902 volumes requiring cleanup in the event of failures of technological or safety catchment

1903 features; and whether such releases have the potential to contaminate groundwater or
1904 surface waters on or adjacent to the site;

1905 2. The range of cleanup activities that would be required to address such
1906 hazardous substances;

1907 3. Detailed estimates of the cost to implement the plan, including conducting
1908 cleanup and facility closure, based on the cost of hiring a third party to conduct all
1909 activities. All cost estimates must be in current dollars and may not include a net present
1910 value adjustment or offsets for salvage value of wastes or other property; and

1911 4. Methods for estimating closure costs;

1912 D. For battery energy storage systems only, the applicant shall demonstrate
1913 financial responsibility in an amount necessary to compensate for facility
1914 decommissioning. The required financial responsibility for decommissioning, which
1915 may be packaged with, but shall be additional to, any public liability financial
1916 responsibility required by subsection B. of this section, shall be in an amount to carry out
1917 all contingencies of the decommissioning plan required by WAC 51-54A-1207,
1918 including:

1919 1. The range of cleanup activities that would be required for site
1920 decommissioning;

1921 2. Detailed estimates of the cost to implement the plan, including conducting
1922 facility closure, based on the cost of hiring a third party to conduct all activities. All cost
1923 estimates must be in current dollars and may not include a net present value adjustment
1924 or offsets for salvage value of wastes or other property; and

1925 3. Methods for estimating closure costs;

1926 E. Financial responsibility shall be provided for the duration of facility
1927 operations, to be periodically reviewed, if required, in the manner prescribed for the use
1928 in K.C.C. chapter 21A.08;

1929 F.1. Financial responsibility required by this chapter may be established by any
1930 one of, or a combination of, the following methods:

1931 a. evidence of insurance;

1932 b. surety bonds issued by a bonding company authorized to do business in the
1933 United States;

1934 c. letter of credit; or

1935 d. other evidence of financial responsibility deemed acceptable by the
1936 department.

1937 2. Self-bonding, as defined in 30 C.F.R. Sec. 800.5, shall not be an accepted
1938 method of providing financial responsibility; and

1939 G. Where enforcement of this chapter would conflict with chapter 36.32 RCW,
1940 the director may request the applicant to sign an agreement to complete retention of
1941 required financial responsibility consistent with K.C.C. 27A.30.060, in an amount
1942 equivalent to that required by this chapter, before the issuance of a clearing and grading
1943 permit.

1944 SECTION 18. Ordinance 12020, Section 17, as amended, and K.C.C.

1945 27A.30.060 are each hereby amended as follows:

1946 Consistent with chapter 36.32 RCW, King County shall not require any state
1947 agency or unit of local government to secure the performance of a permit requirement
1948 with a financial guarantee as a condition of issuing a permit or approval for a building

1949 construction project. The director, however, may request a state agency or unit of local
1950 government to sign an agreement to complete required improvements, or to complete
1951 retention of required financial responsibility consistent with K.C.C. ((21A.08.100))
1952 chapter 21A.XX (the new chapter created by section 16 of this ordinance), and protect the
1953 county's rights and duty to remedy unsatisfactory performance.

1954 SECTION 19.

1955 A. The executive shall prepare a battery energy storage systems study report.
1956 The executive shall consult with representatives of the energy industry, emergency
1957 response community, renewable energy industry, labor, and state and local governments
1958 to assist in developing the report. The report shall include, but not be limited to:

1959 1. If applications have been received or pre-application meetings held in the
1960 timeframe given in subsection B. of this section, information on each battery energy
1961 storage system that applied to the department of local services, permitting division, for
1962 permits or preapplication meetings after the effective date of this ordinance, including but
1963 not limited to:

- 1964 a. whether the system was accessory or not, and if so, what type of use it was
1965 accessory to;
- 1966 b. whether permits were issued or applied for;
- 1967 c. in cases where a permit was not issued, any available information on barriers
1968 to permit issuance or application; and
- 1969 d. in cases where a permit was issued:
- 1970 (1) the total system capacity in megawatts;
- 1971 (2) the total number of containers, cabinets, or rooms housing the system;

1972 (3) site characteristics, such as lot size, zoning, and any other pertinent
1973 information;

1974 (4) whether the system required financial responsibility; and

1975 (5) whether additional conditions were imposed under subsection 10.B.30.e.
1976 of this ordinance;

1977 2. Information on any changes to standards relating to energy storage systems in
1978 the International Fire Code, as adopted by the state or county, since the effective date of
1979 this ordinance, and discussion of how those changes do or do not impact the requirements
1980 of this ordinance;

1981 3. Information on changes to battery technology or safety systems that have
1982 occurred since the effective date of this ordinance, and how those changes do or do not
1983 impact the requirements of this ordinance;

1984 4. An analysis of the impact and effectiveness of the financial responsibility
1985 requirements of this ordinance, and evaluation of alternatives for ensuring financial
1986 responsibility if warranted;

1987 5. An analysis of the county's progress towards its Strategic Climate Action
1988 Plan targets for battery energy storage capacity;

1989 6. An analysis of gaps that exist in the existing county and state regulatory
1990 structure for battery energy storage systems; and

1991 7. Any recommendations for changes to the county's regulations for battery
1992 energy storage systems, based on the information gained during the development of the
1993 report.

1994 B.1. No later than one year from the date that the first battery energy storage

1995 system permitted under this ordinance receives final inspection approval, or three years
1996 from the date this ordinance is enacted, whichever comes first, the executive shall
1997 electronically file the report with the clerk of the council, who shall retain an electronic
1998 copy and provide an electronic copy to all councilmembers, the council chief of staff, and
1999 the lead staff for the local services and land use committee or its successor. If legislative
2000 action is necessary to implement the recommendations of the report, a proposed
2001 ordinance shall be transmitted with the report. If legislative action is not necessary to
2002 implement the recommendations of the report, a proposed motion acknowledging receipt
2003 of the report shall be transmitted with the report.

2004 SECTION 20. Severability. If any provision of this ordinance or its application
2005 to any person or circumstance is held invalid, the remainder of the ordinance or the
2006 application of the provision to other persons or circumstances is not affected."

2007

2008 **EFFECT:** The striking amendment would make the following changes:

2009 *BESS as Accessory Uses.*

- 2010 • Would remove the "Consumer-scale BESS" definition and instead refer to these as
2011 BESS for residential accessory use, commercial/industrial accessory use, or
2012 resource accessory use, as those terms are defined in the K.C.C. 21A.06. These
2013 BESS would be continue to be limited to on-site use except as caveated below, and
2014 would retain "permitted use" status in all zones where residential accessory uses,
2015 commercial/industrial accessory uses, or resource accessory uses are allowed.
- 2016 • Would clarify that, for the purposes of being considered an accessory use, vehicle
2017 charging on-site or in the immediately adjacent right-of-way is allowed. When a
2018 BESS qualifies as an accessory use, and is used solely to serve electric vehicle
2019 charging infrastructure within a street setback, the BESS would also be allowed to
2020 be located within the street setback.

2021 • Would allow BESS for accessory use to participate in load sharing or other
2022 electricity sharing programs that may involve some amount of off-site use.

2023 • Would stipulate that BESS over 2 MW do not qualify as an accessory use.

2024

2025 *Agricultural and Forest Zone.* In the Forest (F) zone, BESS would:

2026 • Require a special use permit, unless the system meets the definition of a resource
2027 accessory use or residential accessory use.

2028 • Not be subject to the 2-acre limitation in the initially introduced version of the
2029 ordinance.

2030 In the Agricultural zone, BESS would be prohibited unless the system meets the definition
2031 of a resource accessory use or residential accessory use.

2032

2033 *Financial Responsibility for Public Liability and Environmental Risks.* Would change the
2034 financial responsibility required for fire and explosion to financial responsibility for public
2035 liability and environmental risks, and would change the amount to a flat \$1 million, rather
2036 than an amount determined based on a study of maximum potential damages.

2037 Would also change the threshold at which this financial responsibility is required. Rather
2038 than a 1 MW threshold, the striking amendment would stipulate the following:

2039 • 2 MW or less – financial responsibility not required.

2040 • Over 2 MW – financial responsibility required if all three of the following
2041 conditions are met:

2042 ○ The battery technology requires thermal runaway protections under state
2043 law;

2044 ○ Any individual room, cabinet, container, or other enclosure containing the
2045 system has an energy rating greater than two megawatt-hours, or any two
2046 enclosures are less than ten feet apart; and

2047 ○ The system does not qualify as a "remote facility" under the International
2048 Fire Code – in other words, it is within one hundred feet of buildings, lot

2049 lines, public ways, stored combustible materials, hazardous materials, high-
2050 piled stock, or other exposure hazards.

2051 *Financial Responsibility for Decommissioning.* Would change the threshold at which
2052 financial responsibility for decommissioning is required from 1 MW to 2 MW. Would
2053 require that the decommissioning financial responsibility be in an amount to carry out the
2054 state-required decommissioning plan, rather than a separate plan.

2055

2056 *Permit Conditions for Public Safety.* Would specify that permit conditions to protect public
2057 health and safety should be added when recommended based on the findings of studies
2058 required by the fire code.

2059

2060 *Sharing of Emergency Plans.* Would require applicants to share draft fire safety and
2061 evacuation plans with the local fire protection district prior to application, and would
2062 require final versions to be shared with the local fire protection district prior to final
2063 inspection.

2064

2065 *Follow-up Report.* Would require the Executive to submit a report one year from the date
2066 that the first BESS is given final inspection approval under the regulations in this
2067 ordinance, or three years from the date this ordinance is enacted, whichever comes first.
2068 The report would include information on BESS applications and pre-application meetings
2069 in unincorporated King County, changes to battery technology, and changes to relevant
2070 codes, as well as recommendations for changes to King County Code, if warranted based
2071 on the findings of the report. If code changes were found to be warranted, the Executive
2072 would be required to submit a proposed ordinance making those changes along with the
2073 report. The Executive would be required to consult with representatives of the energy
2074 industry, emergency response community, renewable energy industry, labor, and state and
2075 local governments in development of the report.

2076

2077 *Technical and Clarifying Changes.* Would make technical and clarifying changes,
2078 including changes to the definition of BESS, removal of a vehicle impact requirement that

2079 is duplicative of state law, updated cross-references, addition of a severability clause, and
2080 changes to match legislative drafting guidelines.
2081

3.11.24
BESS Title Amendment

[J. Tracy]

Sponsor: Perry

Proposed No.: 2023-0263

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2023-0263, VERSION 1**

2 On page 1, beginning on line 1, strike lines 1 through 18, and insert:

3 "AN ORDINANCE relating to energy storage systems;

4 amending Ordinance 10870, Section 43, as amended, and

5 K.C.C. 21A.06.015, Ordinance 10870, Section 44, as

6 amended, and K.C.C. 21A.06.020, Ordinance 10870,

7 Section 45, as amended, and K.C.C. 21A.06.025,

8 Ordinance 10870, Section 330, as amended, and K.C.C.

9 21A.08.030, Ordinance 10870, Section 333, as amended,

10 and K.C.C. 21A.08.060, Ordinance 10870, Section 335, as

11 amended, and K.C.C. 21A.08.080, Ordinance 10870,

12 Section 336, as amended, and K.C.C. 21A.08.090,

13 Ordinance 10870, Section 337, as amended, and K.C.C.

14 21A.08.100, Ordinance 10870, Section 354, as amended,

15 and K.C.C. 21A.12.170, Ordinance 10870, Section 359, as

16 amended, and K.C.C. 21A.12.220, Ordinance 10870,

17 Section 388, as amended, and K.C.C. 21A.16.030,

18 Ordinance 10870, Section 390, as amended, and K.C.C.

19 21A.16.050, Ordinance 10870, Section 391, as amended,
20 and K.C.C. 21A.16.060, and Ordinance 12020, Section 17,
21 as amended, and K.C.C. 27A.30.060, adding a new section
22 to K.C.C. chapter 21A.06, and adding a new chapter to
23 K.C.C. Title 21A."

24

25 **EFFECT prepared by *J. Tracy: Conforms the title with Striking Amendment S3.***



Local Services and Land Use Committee

July 17, 2024

**Agenda Item No. 7
Briefing No. 2024-B0088**

Winery, Brewery, Distillery Legislation and Enforcement

There are no materials for this item.



King County

Local Services and Land Use Committee

July 17, 2024

**Agenda Item No. 8
Briefing No. 2024-B0087**

Affordable Housing Panel

There are no materials for this item.