



Signature Report

Ordinance

Proposed No. 2023-0263.1

Sponsors Perry and Upthegrove

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 United 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 docks₂ 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, trailers₂ 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:

A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
		A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	SIC #													
	SPECIFIC LAND USE													
	DWELLING UNITS, TYPES:													
*	Single Detached	P C1 2	P2		P C1 2	P C1 2	P C12 C12	P C12 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

Ordinance

	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	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		UR	R1	R1	NB	CB	RB	O	I
SIC#	SPECIFIC LAND USE						-8	2-48					
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> <u>9</u>	P5 <u>P2</u> <u>9</u>	P3 <u>P29</u>	P3 <u>P29</u>							P4 <u>P2</u> <u>9</u>
*	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))				((C30 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>0</u>	<u>0</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>*</u>	<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.(((+))) 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.(((1))) 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

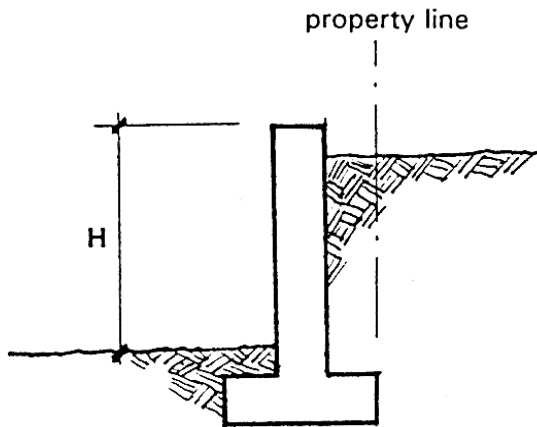
1247 4. Surface water management facilities as required by K.C.C. 9.04;

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

ATTEST:

APPROVED this ____ day of _____, ____.

Attachments: None