



## Legislation Text

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**File #:** 2023-0263, **Version:** 1

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Clerk 07/19/2023

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

### STATEMENT OF FACTS:

1. Battery energy storage systems play a crucial role in modern energy supply by providing efficient and flexible storage for electricity generated from renewable energy sources, such as solar and wind power. They help address the intermittent nature of these sources by storing excess electricity during times of low demand and releasing it when demand is high. This enhances grid stability and reliability when implemented on a region-wide scale, and increases

the reliability of electricity supply for individual uses when installed to back up consumer-scale renewable energy generation systems.

2. By making renewable energy sources more reliable, battery energy storage systems can help King County meet its Strategic Climate Action Plan goal of reducing greenhouse gas emissions in the county by eighty percent by 2050.

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

4. Because widespread use of these systems is a relatively recent phenomenon, there are not currently regulations in King County's zoning code that specifically address them.

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

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

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

**BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

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

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

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

SECTION 2. Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020 are each hereby amended as follows:

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

- A. Accessory living quarters and dwellings;
- B. Fallout or bomb shelters;
- C. Keeping household pets or operating a hobby cattery or hobby kennel;
- D. On-site rental office;
- E. Pools, private docks, or piers;
- F. Antennae for private telecommunication services;
- G. Storage of yard maintenance equipment;
- H. Storage of private vehicles, such as motor vehicles, boats, trailers, or planes;

I. Greenhouses;

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

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

L. Consumer-scale renewable energy systems; and

M. Consumer-scale battery energy storage systems.

SECTION 3. Ordinance 10870, Section 45, as amended, and K.C.C. 21A.06.025 are each hereby amended as follows:

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

A. Housing of agricultural workers;

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

C. Consumer-scale renewable energy systems; and

D. Consumer-scale battery energy storage systems.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. Chapter 21A.06 a new section to read as follows:

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

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

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

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

amended as follows:

A. Residential land uses.

| P-Permitted Use C-<br>Conditional Use S-<br>Special Use | RESOURCE                     |              |     | R U<br>R A<br>L | RESIDENTIAL |       |         | COMMERCIAL/INDUSTRIAL |        |     |     |     |    |   |
|---|------------------------------|--------------|-----|-----------------|-------------|-------|---------|-----------------------|--------|-----|-----|-----|----|---|
|   | SIC #                        | SPECIFIC USE | F   |                 | M           | RA    | UR      | R1-8                  | R12-48 | NB  | CB  | RB  | O  | I |
|   | <b>DWELLING TYPES:</b>       |              |     |                 |             |       |         |                       |        |     |     |     |    |   |
| *   | Single Detached              | P C12        | P2  |                 | P C12       | P C12 | P C12   | P C12                 | P15    |     |     |     |    |   |
| *   | Townhouse                    |              |     |                 | C4          | C4    | P11 C12 | P                     | P3     | P3  | P3  | P3  |    |   |
| *   | Apartment                    |              |     |                 | C4          | C4    | P5 C5   | P                     | P3     | P3  | P3  | P3  |    |   |
| *   | Mobile Home                  |              |     |                 | S13         |       | C8      | P                     |        |     |     |     |    |   |
| *   | Cottage Home                 |              |     |                 |             |       | P15     |                       |        |     |     |     |    |   |
|   | <b>GROUP RESIDENTIAL</b>     |              |     |                 |             |       |         |                       |        |     |     |     |    |   |
| *   | Community Facility-I         |              |     |                 | C           | C     | P14.a C | P                     | P3     | P3  | P3  | P3  |    |   |
| *   | Community Facility-II        |              |     |                 |             |       | P14.b   | P                     | P3     | P3  | P3  | P3  |    |   |
| *   | Dormitory                    |              |     |                 | C6          | C6    | C6      | P                     |        |     |     |     |    |   |
| *   | Senior Citizen Housing       |              |     |                 |             |       | P4      | P4                    | P      | P3  | P3  | P3  | P3 |   |
|   | <b>ACCESSORY</b>             |              |     |                 |             |       |         |                       |        |     |     |     |    |   |
| *   | Residential Uses             | P7           | P7  |                 | P7          | P7    | P7      | P7                    | P7     | P7  | P7  | P7  |    |   |
| *   | Home Occupations             | P18          | P18 |                 | P18         | P18   | P18     | P18                   | P18    | P18 | P18 | P18 |    |   |
| *   | Home Industrial              | C            |     |                 | C           | C     | C       |                       |        |     |     |     |    |   |
|   | <b>TEMPORARY LODGING</b>     |              |     |                 |             |       |         |                       |        |     |     |     |    |   |
| 7011  | Hotel/Motel                  |              |     |                 |             |       |         |                       |        | P   | P   | P   |    |   |
| *   | Bed and Breakfast Guesthouse | P9           |     |                 | P9          | P9    | P9      | P9                    | P9     | P10 | P10 |     |    |   |
| 7041  | Organizational Hotel/Lodging |              |     |                 |             |       | P17     |                       |        |     | P   |     |    |   |

B. Development conditions.

1. Except bed and breakfast guesthouses.
2. In the forest production district, the following conditions apply:
  - a. Site disturbance associated with development of any new residence shall be limited to three acres.

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

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

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

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

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

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

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

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

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

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

permit is required.

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

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

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

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

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

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

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

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

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

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

(4) Accessory dwelling units that are not wholly contained within an existing dwelling unit shall not

exceed the base height established in 21A.12.030;

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

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

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

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

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

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

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

b. Accessory living quarters:

(1) are limited to one per lot;

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



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

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

(5) are not allowed in the F zone.

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

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

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

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

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

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

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

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

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

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

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

12. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit lots, and except as provided

for accessory dwelling units in subsection B.7. of this section.

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

14.a. Limited to domestic violence shelter facilities.

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

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

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

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

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

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

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

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

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

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

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

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

A. Government/business services land uses.

|   |          |       |                 |                          |
|---|----------|-------|-----------------|--------------------------|
| P-Permitted Use<br>Conditional Use S<br>Special Use | RESOURCE | RURAL | RESIDENTIA<br>L | COMMERCIAL/INDU<br>TRIAL |
|---|----------|-------|-----------------|--------------------------|

| SIC#     | SPECIFIC USE                                       | A       | F       | M       | RA             | UR      | R1-8    | R12-48   | NB  | CB  | RB  | O   | I (30) |
|----------|--|---------|---------|---------|----------------|---------|---------|----------|-----|-----|-----|-----|--------|
|          | <b>GOVERNMENT SERVICE</b>                          |         |         |         |                |         |         |          |     |     |     |     |        |
| *        | Public agency office                               |         |         |         | P3 C5          | P3 C5   | P3 C    | P3 C     | P   | P   | P   | P   | P16    |
| *        | Public agency yard                                 |         |         |         | P27            | P27     | P27     | P27      |     |     | P   |     | P      |
| *        | Public agency                                      |         |         |         |                |         |         |          |     |     | 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                                   | P29 C28 | P29 C28 | P29 C28 | P29 C28 and 33 | P29 C28 | P29 C28 | P29 C28  | P   | P   | P   | P   | P      |
| *        | Commuter Facility                                  |         |         |         | C 33 P19       | C P19   | C P19   | C 19 P19 | P   | P   | P   | P   | P35    |
| *        | Private Street Management                          | P8      | P8      | P8      | P8             | P8      | P8      | P8       | P8  | P8  | P8  | P8  | P8     |
| *        | Vactor Waste Facility                              | P       | P       | P       | P18            | P18     | P18     | P18      | P31 | P31 | P31 | P31 | P      |
|          | <b>BUSINESS SERVICE</b>                            |         |         |         |                |         |         |          |     |     |     |     |        |
| *        | Construction                                       |         |         |         | P34            |         |         |          |     |     | P   | P9  | P      |
| *        | Individual Transport                               |         |         |         |                |         |         |          |     | P25 | P   | P10 | P      |
| 421      | Trucking Service                                   |         |         |         |                |         |         |          |     | P11 | P12 | P13 | P      |
| *        | Warehouse Wholesale                                |         |         |         |                |         |         |          |     |     |     |     | P      |
| *        | Self-service                                       |         |         |         |                |         |         | P14      | P37 | P   | P   | P   | P      |
| 4221 422 | Farm Production Warehouse Refrigerated Storage ( ) |         |         |         |                |         |         |          |     |     |     |     | P      |
| *        | Log Storage  |         | P       |         | P26 and 33     |         |         |          |     |     |     |     | P      |
| 47       | Transport  |         |         |         |                |         |         |          |     |     |     |     | P39    |
| 473      | Freight and Service                                |         |         |         |                |         |         |          |     |     | P   | P   | P      |
| 472      | Passenger Transport                                |         |         |         |                |         |         |          |     | P   | P   | P   |        |
| 48       | Communication                                      |         |         |         |                |         |         |          |     |     | P   | P   | P      |
| 482      | Telegraph Communication                            |         |         |         |                |         |         |          |     | P   | P   | P   | P      |

|      |                      |  |  |  |     |            |      |     |      |            |            |      |     |     |
|------|----------------------|--|--|--|-----|------------|------|-----|------|------------|------------|------|-----|-----|
| *    | General B Service    |  |  |  |     |            |      |     | P    | P          | P          | P    | P16 |     |
| *    | Professio            |  |  |  |     |            |      |     | P    | P          | P          | P    | P16 |     |
| 7312 | Outdoor A Service    |  |  |  |     |            |      |     |      |            | P          | P17  | P   |     |
| 735  | Miscellan Equipmen   |  |  |  |     |            |      |     |      | P17        | P          | P17  | P   |     |
| 751  | Automoti Leasing     |  |  |  |     |            |      |     |      | P          | P          |      | P   |     |
| 752  | Automoti             |  |  |  |     |            |      |     | P20a | P20b       | P21        | P20a | P   |     |
| *    | Off-Street Parking L |  |  |  | P32 | P32        | P32  | P32 | P32  | P32        | P32        | P32  | P32 |     |
| 7941 | Professio Teams/Pr   |  |  |  |     |            |      |     |      |            | P          | P    |     |     |
| 873  | Research, and Testi  |  |  |  |     |            |      |     |      |            | P2         | P2   | P2  |     |
| *    | Heavy Eq Truck Re    |  |  |  |     |            |      |     |      |            |            |      | P   |     |
|      | ACCESS               |  |  |  |     |            |      |     |      |            |            |      |     |     |
| *    | Commerc Accessory    |  |  |  | P41 | P22<br>P41 |      |     |      | P22<br>P41 | P22<br>P41 | P41  | P41 | P41 |
| *    | Helistop             |  |  |  | 40  | C23        | C233 | C23 | C23  | C23        | C23        | C24  | C23 | C24 |

B. Development conditions.

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

designated unincorporated Rural Town.

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

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

c. No outdoor storage; and

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

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

a. holding cells;

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

c. long-term storage of stolen properties.

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

9. No outdoor storage of materials.

10. Limited to office uses.

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

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

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

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

- a. The gross floor area in self service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
- b. All outdoor lights shall be deflected, shaded, and focused away from all adjoining property;
- c. The use of the facility shall be limited to dead storage of household goods;
- d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers, or similar equipment;
- e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals;
- f. No residential occupancy of the storage units;
- g. No business activity other than the rental of storage units; and
- h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

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

15. Repealed.

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

17. No outdoor storage.

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

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

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

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

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

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

(3) limited to no more than ten vehicles.

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

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

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

24. Allowed as accessory to an allowed use.

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

26. Limited to two acres or less.

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

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

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

29. Excluding local distribution gas storage tanks.

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

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

32. Provided:

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

area;

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

and

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

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

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

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

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

36. Repealed.

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

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

39. Excluding fossil fuel facilities.

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



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

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

A. Resource land uses.

| P-Permitted Use C-Conditional Use S-Special Use |   | RESOURCE |      |    | R U R A L | RESIDENTIAL |      |        | COMMERCIAL/INDUSTRIAL |        |        |    |        |
|---|---|----------|------|----|-----------|-------------|------|--------|-----------------------|--------|--------|----|--------|
| SIC#  | SPECIFIC USE                            | A        | F    | M  | RA        | UR          | R1-8 | R12-48 | NB                    | CB     | RB     | O  | I      |
| 12  | Coal Mining                             |          |      |    |           |             |      |        |                       |        |        |    |        |
| 13  | Oil and Gas Extraction                  |          |      |    |           |             |      |        |                       |        |        |    |        |
|   | <b>AGRICULTURE</b>                      |          |      |    |           |             |      |        |                       |        |        |    |        |
| 01  | Growing and Harvesting Cereals          | P        | P    |    | P         | P           | P    |        |                       |        |        |    | P      |
| 02  | Raising Livestock and Small Animals (6) | P        | P    |    | P         | P           |      |        |                       |        |        |    | P      |
| *   | Agricultural Activities                 | P24C     | P24C |    | P24C      | P24C        |      |        |                       |        |        |    |        |
| *   | Agricultural Services                   | P25C     | P25C |    | P26C      | P26C        | P26C |        | P27C28                | P27C28 |        |    |        |
| *   | Marijuana Production                    | P15C22   |      |    | P16C17    |             |      |        |                       | P18C19 | P18C19 |    | P20C21 |
| *   | Agriculture Facility                    | C10      |      |    |           |             |      |        |                       |        |        |    |        |
| *   | Agriculture special needs               | P12      |      |    |           |             |      |        |                       |        |        |    |        |
| *   | Agriculture Anaerobic Digestion         | P13      |      |    |           |             |      |        |                       |        |        |    |        |
|   | <b>FORESTRY</b>                         |          |      |    |           |             |      |        |                       |        |        |    |        |
| 08  | Growing & Harvesting Lumber Production  | P        | P    | P7 | P         | P           | P    |        |                       |        |        |    | P      |
| *   | Forest Research                         |          | P    |    | P         | P           |      |        |                       |        |        | P2 | P      |
|   | <b>FISH AND WILDLIFE MANAGEMENT</b>     |          |      |    |           |             |      |        |                       |        |        |    |        |
| 0921  | Hatchery/Finfish Preserve (1)           | P        | P    |    | P         | P           | C    |        |                       |        |        |    | P      |
| 0273  | Aquaculture                             | P        | P    |    | P         | P           | C    |        |                       |        |        |    | P      |
| *   | Wildlife Shelter                        | P        | P    |    | P         | P           |      |        |                       |        |        |    |        |

|                  |                               |                  |           |           |           |           |  |  |  |  |  |  |           |
|------------------|-------------------------------|------------------|-----------|-----------|-----------|-----------|--|--|--|--|--|--|-----------|
|                  | <b>MINERAL</b>                |                  |           |           |           |           |  |  |  |  |  |  |           |
| 10, 14           | Mineral Ext and Process       |                  | P9 C      | P C11     |           |           |  |  |  |  |  |  |           |
| 2951, 3271, 3273 | Asphalt/Concrete Mixtures and |                  | P8 C11    | P8 C11    |           |           |  |  |  |  |  |  | P         |
|                  | <b>ACCESSORIES:</b>           |                  |           |           |           |           |  |  |  |  |  |  |           |
| *                | Resource Allocation Uses      | P3<br>P23<br>P29 | P4<br>P29 | P5<br>P29 | P3<br>P29 | P3<br>P29 |  |  |  |  |  |  | P4<br>P29 |
| *                | Farm Work Housing             | P14              |           |           | P14       |           |  |  |  |  |  |  |           |

B. Development conditions.

1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Farm residences in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. Allowed in accordance with K.C.C. chapter 21A.30.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
  - a. as accessory to a primary mineral extraction use;
  - b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
  - c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.
9. Limited to mineral extraction and processing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the duration of the operation of the camp.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. the digester must be included as part of a Washington state Department of Agriculture approved

dairy nutrient plan;

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

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

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

14. Farm worker housing. Either:

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

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

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

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

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

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

(1) Not more than:

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

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

acres;

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

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

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

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

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

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

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

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

16.

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

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



- b. With a lighting plan, only if required by and that complies with K.C.C. 21A.12.220.G.;
- c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
- d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.15.e. of this section;
- e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of two thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;
- f. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of thirty feet; and
- g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square-foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.22. of this section.

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

- a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and Cannabis Board license business before October 1, 2016, and that King County did not object to within the Washington state

Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

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

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

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

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

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

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

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

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

B.17. of this section.

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

- a. Only allowed on lots of at least four and one-half acres on Vashon-Maury Island;
- b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres, except on Vashon-Maury Island;
- c. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;
- d. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or both, shall require that a Puget Sound Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;
- e. Production is limited to outdoor and indoor within marijuana greenhouses subject to the size limitations in subsection B.17.f. of this section;
- f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of thirty thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area; and
- g. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback of one hundred fifty feet from any existing residence.

18.a. Production is limited to indoor only;

- b. With a lighting plan only as required by and that complies with K.C.C. 21A.12.220.G.;
- c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors, or

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

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

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

19.a. Production is limited to indoor only;

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

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

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

20.a. Production is limited to indoor only;

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

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

marijuana products are imported onto the site;

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

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

21.a. Production is limited to indoor only;

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

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

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

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

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

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

c. Only with documentation that the operator has applied for a Puget Sound Clean Air Agency Notice of Construction Permit. All department permits issued to either marijuana producers or marijuana processors,

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

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

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

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

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

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

a. agricultural is the primary use of the site;

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

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

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

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

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

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

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

(4) in the A zone, structures and areas used for processing, warehousing, ~~((refrigeration))~~ refrigeration, storage, and other similar activities shall be located on portions of agricultural lands that are

unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils; and

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are each hereby amended as follows:

A. Regional land uses.

| P-Permitted Use C-Conditional Use S-Special Use | RESOURCE                        |              |         |         | R U R A L | RESIDENTIAL |         |         | COMMERCIAL/INDUST |         |         |         |         |         |
|---|---------------------------------|--------------|---------|---------|-----------|-------------|---------|---------|-------------------|---------|---------|---------|---------|---------|
|   | SIC#                            | SPECIFIC USE | A       | F       | M         | RA          | UR      | R1-8    | R12-48            | NB      | CB      | RB      | O       | I (15)  |
| *   | Jail                            |              |         |         |           |             |         | S       | S                 | S       | S       | S       | S       | S       |
| *   | Jail Farm/                      | S            | S       |         |           | S           | S       |         |                   |         |         |         |         |         |
| *   | Work Related Facility           |              |         |         |           | S19         | S19     | S       | S                 | S       | S       | S       | S       |         |
| *   | Public Age Animal Care Facility |              | S       |         |           | S           | S       |         |                   |         |         | S       |         | P       |
| *   | Public Age Training Facility    |              | S       |         |           | S3          |         |         |                   |         | S3      | S3      | S3      | C4      |
| *   | Hydroelectric Generation        |              | C14 S   |         |           | C14 S       | C14 S   | C14 S   |                   |         |         |         |         |         |
| ((≠))   | ((Search and Facility))         |              |         |         |           | ((C30 S30)) |         |         |                   |         |         |         |         |         |
| *   | Non-hydroelectric Generation    | C12 S29      | C12 S29 | C12 S29 |           | C12 S29     | C12 S29 | C12 S29 | C12 S29           | C12 S29 | C12 S29 | C12 S29 | C12 S29 | P12 S29 |

|           |  |        |        |     |             |             |           |           |           |     |     |     |     |
|-----------|--|--------|--------|-----|-------------|-------------|-----------|-----------|-----------|-----|-----|-----|-----|
| *         | Renewable Generation                             | C28    | C28    | C   | C           | C           | C         | C         | C         | C   | C   | C   | C   |
| *         | Fossil Fuel                                      |        |        |     |             |             |           |           |           |     |     |     | S27 |
| *         | Battery Energy Storage System                    | P28P30 | P28P30 | P30 | P30         | P30         | C30       | C30       | P30       | P30 | P30 | P30 | P30 |
| *         | Communication Facility (1)                       | 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 Recovery                                  |        | 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                             |        |        |     | S           | S           | S         | S         | S         | S   | S   | S   | C   |
| *         | Municipal Solid Waste 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   |
| *         | Search and Seizure Facility                      |        |        |     | C31 S31     |             |           |           |           |     |     |     |     |
| *         | Regional Transit Authority                       |        |        |     |             | P25         |           |           |           |     |     |     |     |
| *         | Rural Public Infrastructure Maintenance Facility |        |        |     | C23         |             |           |           |           |     |     |     | P   |
| *         | Transit Bus                                      |        |        |     |             |             | S         | S         | S         | S   | S   | S   | P   |
| *         | Transit Control Facility                         |        |        |     | P26         |             | P26       | P26       | P26       | P26 | P26 | P26 | P26 |
| *         | School Bus                                       |        |        |     | 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 Multi-Sports Facility                   |        |        |     |             |             |           |           |           |     |     |     | P   |
| *         | County Fair Facility                             |        |        |     | P21 S22     |             |           |           |           |     |     |     |     |
| *         | Fairground                                       |        |        |     |             |             |           |           |           | S   | S   |     | S   |
| 8422      | Zoo/Wildlife Exhibit(2)                          |        | S9     |     | S9          | S           | S         | S         |           | S   | S   |     |     |
| 7941      | Stadium/Arena                                    |        |        |     |             |             |           |           |           |     | S   |     | S   |
| 8221-8222 | College/University (1)                           | P10    | P10    |     | P10 C11 S18 | P10 C11 S18 | P10 C11 S | P10 C11 S | P10 C11 S | P   | P   | P   | P   |
| *         | Zoo Animal Breeding Facility                     | P16    | P16    |     | P16         |             |           |           |           |     |     |     |     |

B. Development conditions.

1. Except technical institutions. See vocational schools on general services land use table, K.C.C.

21A.08.050.

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

3. Except weapons armories and outdoor shooting ranges.

4. Except outdoor shooting range.

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

- 6.a. Limited to no more than three satellite dish antennae.

- b. Limited to one satellite dish antenna.

- c. Limited to tower consolidations.

7. Limited to landing field for aircraft involved in forestry or agricultural practices or for emergency landing sites.

8. Except racing of motorized vehicles.

9. Limited to wildlife exhibit.

10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

12. Limited to gas extraction as an accessory use to a waste management process, such as wastewater treatment, landfill waste management, livestock manure and composting processes.

13. Excluding impoundment of water using a dam.

14. Limited to facilities that comply with the following:

- a. Any new diversion structure shall not:

- (1) exceed a height of eight feet as measured from the streambed; or

- (2) impound more than three surface acres of water at the normal maximum surface level;

- b. There shall be no active storage;

- c. The maximum water surface area at any existing dam or diversion shall not be increased;
- d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
- e. Any transmission line shall be limited to a:
  - (1) right-of-way of five miles or less; and
  - (2) capacity of two hundred thirty KV or less;
- f. Any new, permanent access road shall be limited to five miles or less; and
- g. The facility shall only be located above any portion of the stream used by anadromous fish.

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

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

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

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

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

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

shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base.

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

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

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

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

- a. The minimum site area shall be ten acres, unless:
  - (1) the facility is a reuse of a public agency yard; or
  - (2) the site is separated from a county park by a street or utility right-of-way;

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

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

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

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

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

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

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

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

(2) Offices, scale facilities, equipment storage buildings, and stockpiles shall not be closer than fifty feet from any property line except when adjacent to M or F zoned property or when a reuse of an existing building. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

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

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

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

a. motocross;

b. autocross;

c. skidpad;

- d. garage;
- e. driving school; and
- f. fire station.

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

26. Transit comfort facility shall:

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

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

includes, but is not limited to:

- (1) new uses or fuel types within existing facilities;
- (2) changes to the type of refining, manufacturing, or processing;
- (3) changes in the methods or volumes of storage or transport of raw materials or processed

products;

- (4) changes in the location of the facilities on-site;
- (5) replacement of existing facilities;
- (6) increases in power or water demands; or
- (7) increases in production capacity.

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

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

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



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

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

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

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

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

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

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

d.(((4))) As part of permit application submittal, the applicant shall demonstrate financial responsibility meeting the requirements of 21A.XX (the new chapter created by Section 15 of this ordinance). The financial responsibility shall be reviewed as part of the facility's periodic review under K.C.C. 21A.22.050. ~~((in an amount necessary to compensate for the cost of decommissioning, and for the maximum damages that might occur from an explosion resulting from a worst-case release, as defined in the 40 C.F.R. Sec. 68.3, of flammable gases and flammable liquids.~~

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

~~(a) incorporate the volume of oils, gases, refrigerants and other flammable or explosive chemicals~~

stored, used or generated within the facility;

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

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

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

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

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

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

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

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

(d) methods for estimating closure costs.

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

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

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

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

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

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

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

and a battery energy storage system are proposed on the same site, the two uses combined shall not convert a more than two acres of farmland or forestland, or two and one-half percent of the farmland or forestland, whichever is less.

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

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

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

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

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

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

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

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

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

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

(9) a greenhouse gas impact analysis prepared by the applicant, the results of which shall be used to

identify and mitigate the impacts of such facilities.

c.(((1))) As part of permit application submittal, an applicant shall demonstrate financial responsibility meeting the requirements of 21A.XX (the new chapter created by Section 15 of this ordinance). ~~((in an amount necessary to compensate for decommissioning, and for the maximum damages that might occur from an explosion resulting from a worst-case release, as defined in 40 C.F.R. Sec. 68.3, of flammable gases and flammable liquids.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~i. evidence of insurance;~~

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

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

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

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

d. Non-hydroelectric generation facilities shall be subject to a periodic review meeting the same

standards given in K.C.C. 21A.22.050. The financial responsibility required by subsection B.29.c. of this section shall be reviewed as part of the periodic review.

30. Subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

SECTION 10. Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170 are each hereby

amended as follows:

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

- A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback, provided such projections are:
  - 1. Limited to two per facade;
  - 2. Not wider than ten feet; and
  - 3. Not more than twenty-four inches into an interior setback or thirty inches into a street setback;
- B. Uncovered porches and decks that exceed eighteen inches above the finished grade may project:
  - 1. Eighteen inches into interior setbacks; and
  - 2. Five feet into the street setback;
- C. Uncovered porches and decks not exceeding eighteen inches above the finished grade may project to the property line;
- D. Eaves may not project more than:
  - 1. Eighteen inches into an interior setback;
  - 2. Twenty-four inches into a street setback; or
  - 3. Eighteen inches across a lot line in a zero-lot-line development;
- E. Fences with a height of six feet or less may project into or be located in any setback;
- F. Rockeries, retaining walls, and curbs may project into or be located in any setback. Except for structures that cross the setback perpendicularly to property lines or that abut a critical area, these structures:
  - 1. Shall not exceed a height of six feet in the R-1 through R-18, UR, RA, and resource zones;
  - 2. Shall not exceed a height of eight feet in the R-24 and R-48 zones; and



3. Shall not exceed the building height for the zone in commercial/industrial zones, measured in accordance with the standards established in the King County Building Code, Title 16;

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

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

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

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

2. security system access controls;

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

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

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

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

L. Fire hydrants and associated appendages;

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

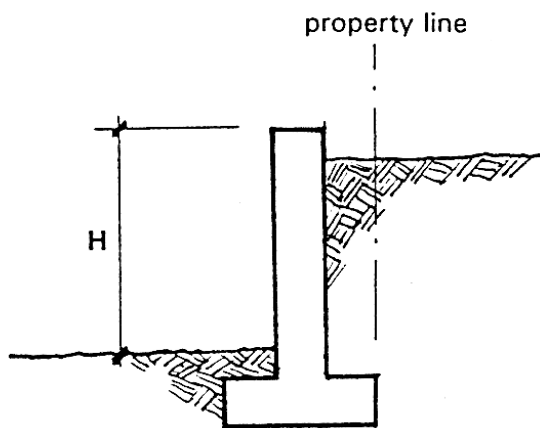
N. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument signs four feet or less in height, with a maximum sign area of twenty square feet may project into or be located within street setbacks;

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

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

1. Consistent with setback, easement, and access requirements specified in the Surface Water Design Manual; or
2. In the absence of said specifications, not within five feet of the property line.

**RETAINING WALL IN SETBACK**



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

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

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

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

1. ~~((Except for utility))~~ Utility facilities~~((;))~~;
2. ~~((uses))~~ Uses listed in K.C.C. 21A.08.100, except that the standards in this section shall apply to battery energy storage systems~~((;))~~; and

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

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

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

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

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

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

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

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

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

SECTION 12. Ordinance 10870, Section 388, as amended, and K.C.C. 21A.16.030 are each hereby amended as follows:

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

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

under Accessory uses, and:

1. Attached/group residences refers to:

- a. townhouses, except as provided in subsection A.2.a. of this section;
- b. apartments and detached dwelling units developed on common property at a density of twelve or

more units per acre;

- c. senior citizen assisted housing;
- d. temporary lodging;
- e. group residences other than Type I community residential facilities;
- f. mobile home parks; and

2. Single-family development refers to:

a. residential subdivisions and short subdivisions, including attached and detached dwelling units on individually platted or short platted lots;

- b. any detached dwelling units located on a lot including cottage housing units; and
- c. Type I community residential facilities;

B. Commercial development refers to those uses in:

- 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;
- 2. K.C.C. 21A.08.050 except recycling centers, health and educational services, daycare I, churches,

synagogues and temples, and miscellaneous repair as allowed in the A and RA zones; and

- 3. K.C.C. 21A.08.070, except forest product sales and agricultural product sales as allowed in the A, F<sub>2</sub> and RA zones and building, hardware, and garden materials as allowed in the A zones;

C. Industrial development refers to those uses listed in:

- 1. K.C.C. 21A.08.050 as recycling center;
- 2. K.C.C. 21A.08.060, except government services and farm product warehousing, refrigeration, and

storage as allowed in the A zones;

3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A and F zones; and

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

D. Institutional development refers to those uses listed in:

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

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

except specialized instruction schools permitted as an accessory use;

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

4. Search and rescue facilities.

E. Utility development refers to those uses listed in:

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

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

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

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

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

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

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

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

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

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

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

2. The trees shall be:

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

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

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

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

overhead utility lines.

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

SECTION 14. Ordinance 10870, Section 391, as amended, and K.C.C. 21A.16.060 are each hereby amended as follows:

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

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

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

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

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

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

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

NEW SECTION. SECTION 16.

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

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

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

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

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

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

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

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

3. The amount of financial responsibility necessary to compensate for facility decommissioning shall be determined by the director based on a decommissioning plan for the closure of the facility. The plan shall

include, but need not be limited to, the following:

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

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

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

d. methods for estimating closure costs.

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

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

(1) evidence of insurance;

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

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

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

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